

# EXHIBIT 1

AUG 27 2019

Civil Law Division

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PA

\* \* \* \* \*

HECTOR VARGAS \*

TORRES, \*

Plaintiff \* Case No.

vs. \* 4:17-CV-1977

CAPT. B. HARRIS, \*

LT. WENDLE, \*

LT. R. CISCHKO, \*

CO K. MYERS, \*

CO B.A. OWENS and \*

CO MCCALLISTER, \*

Defendants \*

\* \* \* \* \*

DEPOSITION OF  
HECTOR VARGAS TORRES

July 25, 2019

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DEPOSITION  
OF  
HECTOR VARGAS TORRES, taken on behalf  
of the Defendants herein, pursuant to  
the Rules of Civil Procedure, taken  
before me, the undersigned, Lacey C.  
Scott, a Court Reporter and Notary  
Public in and for the Commonwealth of  
Pennsylvania, at SCI Huntingdon, 1100  
Pike Street, Huntingdon, Pennsylvania,  
on Thursday, July 25, 2019, beginning  
at 10:41 a.m.

A P P E A R A N C E S

HECTOR VARGAS TORRES, PRO SE  
PLAINTIFF

ALLISON DEIBERT, ESQUIRE  
Office of Attorney General  
Litigation Section  
Strawberry Square, 15th Floor  
Harrisburg, PA 17120

COUNSEL FOR DEFENDANTS

I N D E X

WITNESS: HECTOR VARGAS TORRES

EXAMINATION

By Attorney Deibert

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CERTIFICATE

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OBJECTION PAGE

ATTORNEY

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NONE MADE

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S T I P U L A T I O N

-----  
(It is hereby stipulated and agreed by  
and between counsel for the respective  
parties that reading, signing,  
sealing, certification and filing are  
waived.)  
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P R O C E E D I N G S

-----  
HECTOR VARGAS TORRES,  
CALLED AS A WITNESS IN THE FOLLOWING  
PROCEEDING, AND HAVING FIRST BEEN DULY  
SWORN, TESTIFIED AND SAID AS FOLLOWS:

---  
EXAMINATION  
---

BY ATTORNEY DEIBERT:

Q. All right.

Good morning, Mr. Torres. My  
name is Allison Deibert. I represent  
the Commonwealth in a lawsuit that you  
have filed against Captain Harris,  
Lieutenant Wendle, Lieutenant Cischko  
and Corrections Officers Myers, Owens



8

1 and McCallister. The Docket Number is  
2 17-1977.

3 I'm here today at SCI  
4 Huntingdon to take your deposition.  
5 Have you ever been deposed before?

6 A. Yeah, from Camp Hill.

7 Q. So you have been deposed. So  
8 you are aware that you have just been  
9 placed under oath by the court  
10 reporter. She is taking down  
11 everything that you say.

12 This is just a question and  
13 answer session. It is to gather  
14 information and, you know, basically,  
15 you know, have you tell me what  
16 happened and what was the basis of  
17 your Complaint.

18 So that being said, since you  
19 have been deposed before, I won't go  
20 through all of the rules, but the  
21 number one rule is basically we need a  
22 clear record. So let me finish a  
23 question, asking a question before you  
24 start answering and I in turn will let  
25 you finish answering before I ask the

1 next one, so that we're not talking  
2 over each other.

3 Does that make sense to you?

4 A. Yeah.

5 Q. If at any time you don't  
6 understand my question or maybe you  
7 don't hear me, just let me know. I  
8 can repeat it. I can rephrase the  
9 question. But if you do answer a  
10 question, then I'm going to assume  
11 that you understood what I asked.

12 Is that fair?

13 A. Yes.

14 Q. Okay.

15 So with that, I just want to  
16 get some background information. What  
17 is your full name?

18 A. Hector Vargas Torres.

19 Q. And we're currently at SCI  
20 Huntingdon.

21 Is that correct?

22 A. Yes.

23 Q. How long have you been here?

24 A. Three years.

25 Q. And before SCI Huntingdon, were

1       you housed at a different prison?

2       A.       Yeah.

3       Q.       Where were you housed before?

4       A.       Last one was Fayette.

5       Q.       Fayette, okay.

6               Maybe I should ask it this way,  
7       how long have you been incarcerated?

8       A.       Eight.

9       Q.       Eight years. And it sounded  
10      like you said you were at Camp Hill.  
11      So aside from Camp Hill, Fayette and  
12      Huntingdon, have you been anywhere  
13      else?

14      A.       Yes, I went from Retreat, Camp  
15      Hill to Fayette and here.

16      Q.       Thank you. I appreciate that.  
17               And here at SCI Huntingdon,  
18      where in the prison are you housed,  
19      what block?

20      A.       B Block.

21      Q.       Okay.

22               And is that the RHU?

23      A.       No.

24      Q.       Is that general population?

25      A.       Yeah.

1 Q. Okay.

2 And how long have you been in  
3 general population?

4 A. Eight or nine months.

5 Q. Do you have a cell mate?

6 A. No. I'm Z Code.

7 Q. Do you know how long you have  
8 been Z Code?

9 A. Eight years now.

10 Q. For the entire time that you  
11 have been incarcerated?

12 A. (Indicates yes).

13 Q. Do you know why you are a Z  
14 Code?

15 A. It is because of two SMUs I  
16 have been on.

17 Q. So you were in an SMU?

18 A. Yes.

19 Q. Where were you in SMUs?

20 A. Camp Hill and Fayette.

21 Q. Are you in any --- is the B  
22 Block any kind of specialized housing?

23 A. Just regular block.

24 Q. It is not a mental health unit  
25 or anything like that?

1 A. No.

2 GUARD:

3 It is all single cell.

4 ATTORNEY DEIBERT:

5 Thank you.

6 BY ATTORNEY DEIBERT:

7 Q. So I want to turn to the events  
8 of the Complaint and that's basically  
9 why we're here today. So in your  
10 Complaint you are alleging an assault  
11 that took place by these officers on,  
12 I believe the date was April 18th,  
13 2017.

14 Is that correct?

15 A. Yeah.

16 Q. Was that here at SCI  
17 Huntingdon?

18 A. Yeah.

19 Q. And on April 18th, 2017, here  
20 at SCI Huntingdon, where were you  
21 housed?

22 A. On BB.

23 Q. On BB?

24 A. Yeah, that's the POC cells.

25 Q. What is a POC?

1 A. Just like --- like mental  
2 health, like they put you there like  
3 suicide watch and all that stuff.

4 Q. Were you on suicide watch?

5 A. Just a razor that I swallowed.

6 Q. So you were in the POC on April  
7 18 because you had swallowed a razor?

8 A. (Indicates yes).

9 Q. And how long had you been in  
10 the POC? Do you know when they put  
11 you in?

12 A. Went in there 15th to the 26th.

13 Q. So from April 15th to April  
14 26th you were in the POC. Okay.

15 When did you swallow the razor?

16 A. On the 15th.

17 Q. On the 15th, okay.

18 So you had swallowed a razor  
19 blade. Do you know why they would  
20 have put you in a POC because of that?

21 A. They said it is something about  
22 suicide and all that.

23 Q. Okay.

24 Do you know what your mental  
25 health code is?

1 A. It was a C.

2 Q. It was a C at that time ---

3 A. Yeah.

4 Q. --- in April of 2017?

5 What is it now?

6 A. It is a B.

7 Q. A B Code. Do you have a copy  
8 of the inmate handbook?

9 A. Not with me.

10 Q. I know you don't have it with  
11 you, but have you received a copy?

12 A. Yeah, I got the old one.

13 Q. When did you receive that?

14 A. Got that two years back when I  
15 was in O.

16 Q. Two years back?

17 A. Yeah.

18 Q. So you have had it for about  
19 two years. Are you familiar with the  
20 grievance process?

21 A. Yeah.

22 Q. Can you explain it to me in  
23 your own words?

24 A. Just like --- I don't even know  
25 how it is. You just --- just like you

15

1 got to go through the whole process,  
2 the way through it. I file requests  
3 first and then to get it resolved  
4 through that. Then at that --- then  
5 we got to file the grievances.

6 Q. Let me back up for a second.  
7 You said file requests first. What  
8 are these requests?

9 A. Request to staff.

10 Q. Request to staff member?

11 A. Yeah.

12 Q. Is that kind of like an attempt  
13 at an informal ---

14 A. Yeah.

15 Q. --- resolution? Okay.

16 And then if that doesn't  
17 resolve the problem you file a  
18 grievance?

19 A. Yes.

20 Q. And do you know what happens  
21 after you file a grievance?

22 A. Well, you got to wait until you  
23 get a response. And then you got to  
24 appeal the response, go the  
25 superintendent and then you go to the



1 central office.

2 Q. So there's three levels of  
3 appeals is what it sounds like?

4 A. Yeah.

5 Q. Okay.

6 Do you file grievances  
7 regularly?

8 A. Once in a while.

9 Q. Once in a while

10 A. Mostly medical because of my  
11 arm.

12 Q. Okay.

13 What is going on with your arm?  
14 I see it is in a sling.

15 A. Still didn't heal from the  
16 surgery.

17 Q. When was your last surgery?

18 A. Eight months.

19 Q. Really.

20 A. I've been in and out of  
21 Smithfield.

22 Q. Well, I know that we have had  
23 the deposition scheduled and then you  
24 couldn't come back, I think it was a  
25 problem with your shoulder or your

1 elbow?

2 A. Yeah, my elbow.

3 Q. Your elbow.

4 A. Had two surgeries.

5 Q. Two surgeries. Where were  
6 those surgeries performed?

7 A. J.C. Blair.

8 Q. So you just said the majority  
9 of the grievances that you file are  
10 medical ---

11 A. Yeah.

12 Q. --- related? Okay.

13 And you said once in a while,  
14 so it is not something that is like  
15 once a week ---

16 A. No.

17 Q. --- or anything like that?  
18 Would you say once a month?

19 A. Yeah, like once a month.

20 Q. Once a month, okay.

21 So you had said that you are  
22 now a B Code. In April 2017, you were  
23 a C Code. Other than those two, have  
24 you ever been anything --- have you  
25 ever been coded any other

1 designation ---

2 A. No.

3 Q. --- that you know?

4 I should have said this at the  
5 beginning. If at any time you don't  
6 know the answer to a question, it is  
7 perfectly okay to say you don't know.

8 A. The only condition the psych  
9 got me --- something about like anti-  
10 social or something like that.

11 Q. Is that like some kind of  
12 mental health diagnosis maybe?

13 A. Well, she said I got to get  
14 mental health classes ordered by the  
15 Judge, but they don't got it here.

16 Q. So let me back up. A Judge has  
17 ordered you to take a mental health  
18 class?

19 A. Yes.

20 Q. What case was that where a  
21 Judge ordered you?

22 A. Berks.

23 Q. Was it a criminal case or a  
24 civil case?

25 A. Criminal.

1 Q. Criminal case, okay.

2 And you said --- you had  
3 referenced she?

4 A. Miss Cousins.

5 Q. I'm sorry. Who?

6 A. Miss Cousins.

7 Q. Who is Miss Cousins?

8 A. She is the head psych.

9 Q. Head of psych here at SCI  
10 Huntingdon?

11 A. Yeah.

12 Q. So Miss Cousins is trying to  
13 get you into a mental health class  
14 or ---?

15 A. Well, I seen the one --- she  
16 referred me to somebody from Ohio.  
17 And she said she was going to refer me  
18 to somebody within six months. I have  
19 not seen nobody yet. So I could get  
20 into those classes, but according to  
21 one of the psychs here, they said they  
22 don't got that class that I was  
23 supposed to be in in the jail. They  
24 only got it in the state hospital.

25 Q. Okay. I see. Okay.

1           Do you know what class you are  
2           supposed to take?

3           A.       Well, they say something like  
4           depression and dealing with loss of  
5           family and all that stuff.

6           Q.       Okay.

7           So back to my question, other  
8           than a B Code and a C Code, were you  
9           ever anything different?

10          A.       No.

11          Q.       Are you familiar with the  
12          misconduct hearing process or the  
13          misconduct process as a whole?

14          A.       Yes.

15          Q.       Could you explain that to me?  
16          What happens if say something happens  
17          and you get a misconduct, what happens  
18          then?

19          A.       Well, you go to the hearing and  
20          then you put in a PRC, and then to a  
21          superintendent, it goes to the central  
22          office.

23          Q.       So again there is kind of an  
24          appeals process?

25          A.       Yeah.

1 Q. But you can have a hearing?

2 A. Yes.

3 Q. Who is that hearing before?

4 A. I don't even know his name.

5 Q. I don't need to know a specific  
6 name, just a general title? Is it a  
7 Judge, is it ---?

8 A. Like just --- he used to be a  
9 CO.

10 Q. Like a hearing examiner?

11 A. Yeah.

12 Q. Can you grieve a misconduct?

13 A. No.

14 Q. Okay.

15 A. I tried it. You get denied.

16 Q. So before the incident in the  
17 Complaint on April 18, 2017, have you  
18 had contact with the Defendants? And  
19 by that I mean, did you know them?

20 A. Yeah, I knew they all work in  
21 the hole.

22 Q. They all work in the hole?

23 A. Yeah.

24 Q. What is the hole?

25 A. RHU.

1 Q. And what block is the RHU on?

2 A. G Block.

3 Q. So you had been housed in the  
4 RHU previously?

5 A. Yes.

6 Q. When were you housed in the  
7 RHU?

8 A. Like two years back.

9 Q. Two years back. Okay.  
10 So all of the Defendants,  
11 Captain Harris, Lieutenant Wendle,  
12 Lieutenant Cischko, Myers, Owens and  
13 McCallister, they were all officers on  
14 G Block?

15 A. Yeah.

16 Q. Okay.

17 And how long were you in the  
18 RHU?

19 A. Two years.

20 Q. So you were there for two  
21 years. So you had contact with them  
22 for two years?

23 A. Yeah.

24 Q. Okay.

25 What type of relationship would

1       you say you had with them? And by  
2       that I mean, I understand that they  
3       are correction officers, but was it a  
4       contentious relationship? Was it a  
5       civil relationship? What type of  
6       relationship would you say you had?

7       A.       I never like spoke to anybody  
8       down there. Just --- just when they  
9       get mad, I just start flipping out.

10      Q.       Okay.

11               When you get mad you start  
12      flipping out?

13      A.       Yeah.

14      Q.       What does that mean?

15      A.       When they like --- because I  
16      used to get --- they would burn you on  
17      food trays or a shower, you know, you  
18      just get mad about it.

19      Q.       Did any of these Defendants do  
20      that to you?

21      A.       Yeah.

22      Q.       In the RHU, though?

23      A.       Yeah, in the hole.

24      Q.       So you went into the POC you  
25      said on April 15, 2017.



1 Correct?

2 A. Yeah.

3 Q. Did anything happen on April  
4 16th?

5 A. Yeah, that's when it all  
6 started.

7 Q. When all ---?

8 A. The assaults and all that.

9 Q. What started on April 16th?

10 A. Yeah, 16th, 17th, 18th, all  
11 those three days.

12 Q. So for three days they  
13 assaulted you is what you are saying?

14 A. Yeah.

15 Q. Did you ever complain about  
16 assaults that occurred on the 16th and  
17 17th?

18 A. Yeah, I told the captain about  
19 it. He said he checked the video and  
20 nothing happened.

21 Q. I believe that you were secured  
22 to the wall while you were in the POC.

23 Is that correct?

24 A. Yeah.

25 Q. How long were you --- what day

1 did you begin to be secured to the  
2 wall?

3 A. From the 15th to the 26th.

4 Q. So the entire time. Do you  
5 know why you were secured to the wall?

6 A. Because of the razor in my  
7 stomach.

8 Q. And how were you secured to the  
9 wall?

10 A. Handcuff.

11 Q. Was the POC a dry cell?

12 A. It's like a dry cell.

13 Q. And it is my understanding that  
14 a dry cell is a cell with no running  
15 water.

16 Is that correct?

17 A. Yeah.

18 Q. Okay.

19 So when you are secured to the  
20 wall in this POC, do they --- and by  
21 they, I mean prison officials, are you  
22 required to have some type of relief  
23 from that securing?

24 A. Well, what they do is move one  
25 arm, like switch arms and all that.

1 Q. Okay.

2 And how often does that happen?

3 A. Every two hours.

4 Q. Every two hours, okay.

5 And can you refuse to have that  
6 switched out?

7 A. Yeah.

8 Q. You can. And have you refused  
9 --- let me say this, did you refuse  
10 during this time?

11 A. Well, I refused all the medical  
12 treatment and all that.

13 Q. You refused the medical  
14 treatment?

15 A. Because I was on a hunger  
16 strike.

17 Q. So you refused medical  
18 treatment, because you were on a  
19 hunger strike?

20 A. Yes.

21 Q. Why were you on a hunger  
22 strike?

23 A. Because of the death in my  
24 family and all that.

25 Q. I didn't realize there was a

1 death in your family. Who passed  
2 away?

3 A. My grandmother, the one that  
4 raised me.

5 Q. Your grandmother, okay.  
6 Do you know when she passed  
7 away?

8 A. Two years back.

9 Q. In relation to the incident  
10 --- in relation to --- between April  
11 15th and April 26th, how close in time  
12 had she passed away?

13 A. Two months.

14 Q. Two months before, okay.

15 Okay. So I'm going to talk  
16 about April 18th, 2017, that's what  
17 you have talked about in your  
18 Complaint. So there is one allegation  
19 --- there is two different  
20 allegations, two different times. So  
21 I'm going to break it down by time  
22 period.

23 So between 6:00 and 6:30 a.m.  
24 on April 18th, 2017, can you tell me  
25 what happened?

1 A. Well, I told them I didn't want  
2 no medical treatment.

3 Q. Let me --- I'm sorry. I just  
4 want to stop you right there. You  
5 told who that you didn't want medical  
6 treatment?

7 A. The nurse and Myers.

8 Q. The nurse and Myers. So the  
9 nurse and Myers came to your cell?

10 A. Yeah.

11 Q. Yes, okay.

12 And do you know why they came  
13 to your cell?

14 A. Every two hours they got to  
15 come and ask if you want to get, you  
16 know, your handcuff moved to another  
17 arm or get medical, what they call ---  
18 like to check your circulation and  
19 your blood and all that stuff.

20 Q. So that's every two hours as  
21 well?

22 A. Yeah.

23 Q. And so that's why they came to  
24 your cell ---

25 A. Yeah.

1 Q. --- to do that, okay.

2 And you told them ---?

3 A. Told them I did not want it.

4 Q. And then what happened?

5 A. So when the nurse tried to like  
6 check my circulation, I told her ---  
7 so when I moved my arm, they all  
8 started jumping on me like if I was  
9 aggressive. So when I try to get up,  
10 that's when he slapped my head on the  
11 bunk.

12 Q. You said they all, so who else  
13 was there?

14 A. Myers, Owens and the  
15 Lieutenant.

16 Q. Lieutenant Wendle or Lieutenant  
17 Cischko?

18 A. Wendle.

19 Q. Okay.

20 So they all were there and  
21 you're laying on the bed. What arm is  
22 secured to the wall?

23 A. My right.

24 Q. Your right?

25 A. Uh-huh (yes).

1 Q. So can you describe to me where  
2 Myers was?

3 A. He was on my left side.

4 Q. Was he up by your shoulder or  
5 down by your legs?

6 A. Like by my shoulder.

7 Q. And where was Owens?

8 A. He was like on the other side  
9 back by my head.

10 Q. So on the right side of you up  
11 by your shoulder?

12 A. Yeah.

13 Q. Where was Lieutenant Wendle?

14 A. By my feet.

15 Q. Okay.

16 So you had just testified that  
17 you went to move your arm because you  
18 didn't want medical treatment.

19 Correct? And then they all  
20 jumped on you?

21 A. Yeah.

22 Q. I want to break it down by each  
23 person. What did Myers do?

24 A. He tried to hold my arm tight  
25 even though it was already cuffed to

31

1 the wall. So when he twisted, I tried  
2 to remove his arm and he said that I  
3 tried to bite him.

4 Q. Okay.

5 And you didn't try to bite him?

6 A. No, I was just trying to push  
7 him away, because he was hurting my  
8 arm.

9 Q. So he was holding your arm?

10 A. Yeah.

11 Q. What did Owens do?

12 A. He tried to hold my left arm so  
13 I would not keep getting up.

14 Q. And what about Lieutenant  
15 Wendle?

16 A. He was just holding my feet.

17 Q. Holding your feet down. Were  
18 you struggling at all?

19 A. Well, I was trying to like  
20 move, you know, so I could move,  
21 trying to like sit up so I could get  
22 away from them. And then they didn't  
23 let me move.

24 Q. So it sounds like you were  
25 trying to --- you were refusing the



1 medical treatment and you were trying  
2 to not be held down by them, but they  
3 were holding you down?

4 A. Yeah.

5 Q. Did anything else happen?

6 A. Just when he slammed my head on  
7 the bunk.

8 Q. Who slammed your head on the  
9 bunk?

10 A. Myers.

11 Q. Myers did, okay.

12 And how long did they hold you  
13 down?

14 A. Like five, ten minutes.

15 Q. Five to ten minutes. And what  
16 was going on that entire --- in that  
17 entire five to ten minutes, were you  
18 struggling?

19 A. I was trying to --- like trying  
20 to like get some of them from the top  
21 of me. And that's when one of them  
22 dropped the radio and I tried to kick  
23 the radio to the floor.

24 Q. Who dropped a radio?

25 A. Myers.

1 Q. Myers dropped a radio and you  
2 tried to kick it to the floor. Why  
3 did you try to kick it to the floor?

4 A. I didn't want them to go on top  
5 of me and make more aggression on my  
6 stomach and all that.

7 Q. So for the entire time, was  
8 Myers --- Myers on your left side you  
9 said.

10 Correct?

11 A. Yes.

12 Q. Was he told holding your arm  
13 down the entire time?

14 A. Yes.

15 Q. And Owens was holding your  
16 right arm down the entire time?

17 A. (Indicates yes).

18 Q. And Wendle was holding your  
19 feet down the entire time?

20 A. (Indicates yes).

21 Q. What was Lieutenant Cischko  
22 doing?

23 A. Just telling me to calm down,  
24 calm down. And I just told him how do  
25 you want me to calm down when you got

1 all of the COs on top of me.

2 Q. What was Captain Harris doing?

3 A. He was doing his rounds, then  
4 he came in.

5 Q. So did he see what was  
6 happening?

7 A. He didn't see it, but I told  
8 him what happened. And he said I'm  
9 going to check the video and all that.

10 Q. Okay.

11 We'll come back to that one,  
12 just because we have another time  
13 period to go through. I want to make  
14 sure we get the time right.

15 So this was --- was this  
16 videotaped?

17 A. It was videotaped.

18 Q. Who was holding the camera, if  
19 you know?

20 A. I can't remember his name.

21 Q. Okay.

22 But is he one of the  
23 Defendants?

24 A. Yeah.

25 Q. He is one of the Defendants.

1       Okay.

2               So other than Wendle ---

3       McCallister, I forgot to ask you.

4       A.       He is the one that runs the  
5       POC.

6       Q.       He runs the POC. What does  
7       that mean, he runs the POC?

8       A.       He is in charge of inmates  
9       being in there.

10      Q.       So where was he at 6:00 ---  
11      between 6:00 and 6:30 a.m. on April  
12      18, 2017?

13      A.       At the POC desk.

14      Q.       He is at the POC desk, okay.

15               So after this occurs in the  
16      cell and they leave, what happens?

17      A.       Well, I told McCallister to get  
18      a hold of one of the deputies. He  
19      said I'm trying to get a hold of some  
20      shift commander and trying to get a  
21      hold of the deputy. You seen what  
22      happened? He is like, yeah, I know.  
23      I seen it. And then he started  
24      changing his story around, saying, no,  
25      I didn't see nothing.

36

1 Q. If he was on the desk, could he  
2 see into the cell?

3 A. Yeah, because they got a camera  
4 right on top of the desk.

5 Q. So this particular POC cell has  
6 cameras in it?

7 A. Yeah.

8 Q. Okay.

9 Do you happen to know the  
10 number of that POC cell?

11 A. Number one.

12 Q. Number one. Thank you.

13 So let's go ahead and go to ---  
14 I'm sorry, let me back up. So you had  
15 asked McCallister that you wanted to  
16 talk to somebody else about this. And  
17 this was in between the 6:30 and the  
18 8:30?

19 A. Yeah.

20 Q. Okay.

21 So then we come to 8:00 to  
22 8:30. What happens now?

23 A. That's when the captain came  
24 around.

25 Q. Okay.

1 A. And I told him what happened.  
2 He said he is going to check the  
3 video.

4 Q. And this was Captain Harris?

5 A. Yes.

6 So he came back the next day.  
7 And he just told me straight out to my  
8 face, he is like, look, you never  
9 heard this from me, I seen the video,  
10 I never seen nothing that they said.

11 Q. Okay.

12 A. He is like you never heard this  
13 from me.

14 Q. Okay.

15 Did you have --- since it was  
16 the two hours later, did you have  
17 another circulation check and moving  
18 the cuff? Did that occur between 8:00  
19 and 8:30?

20 A. Yeah.

21 Q. It did, okay.

22 Who came to your cell to do  
23 that?

24 A. Same COs.

25 Q. And what happened during that?

1       A.       They didn't do the circulation,  
2       nothing. They just left. And that's  
3       when I broke the handcuffs and they  
4       put me in the restraint chair.

5       Q.       They didn't check your  
6       circulations or they didn't do any of  
7       the Drexel exercise?

8       A.       No.

9       Q.       What I'm hearing is they  
10       basically came in to your cell, didn't  
11       do anything and left?

12       A.       Yeah, because I told them I  
13       didn't want to hurt or nothing, so  
14       they just left.

15       Q.       So they didn't force the  
16       exercise or anything like that?

17       A.       No.

18       Q.       And so after they came the  
19       second time between 8:00 and 8:30 and  
20       then they left, then the Captain  
21       Harris came around?

22       A.       Yeah.

23       Q.       Did anything else happen on  
24       April 18, 2017, other than what we  
25       just talked about?

1 A. Just that Myers came back  
2 around with no exercise. He came back  
3 in the cell with the Lieutenant.

4 Q. Okay.

5 A. Look we got to do your vital  
6 checks. And I'm like I'm not doing no  
7 vital checks. I already told you I  
8 don't want them. I don't want them.  
9 You all just leave. So they tried to  
10 force and take the vitals again.

11 Q. When was that?

12 A. On the 18th and 19th.

13 Q. Was it at specific times?

14 A. Well, the same time, 6:30 in  
15 the morning.

16 Q. 6:30 in the morning and 8:30 in  
17 the morning? It sounds like this was  
18 then April 19th, Myers and Lieutenant  
19 came back and tried to do the  
20 circulation check again and you said  
21 you didn't want do it?

22 A. Yeah.

23 Q. So after then on the 19th ---  
24 after the 18th, I'll just say after  
25 April 18, 2017, did you have continual



1 contact with Wendle, Myers, Owens and  
2 McCallister?

3 A. A few times. Like, when they  
4 go work in the hole and all that.  
5 McCallister, he always worked in the  
6 POC.

7 Q. He was always in the POC?

8 A. Yeah.

9 Q. So this particular POC I think  
10 you said was not on G Block.

11 Correct?

12 A. No.

13 Q. So Wendle, Myers and Owens you  
14 said worked on G Block?

15 A. Yeah.

16 Q. Do you know why they were  
17 working in the POC, on the POC Block?  
18 Why would they have been there?

19 A. They go up there with the  
20 Lieutenant to do exercise and all  
21 that.

22 Q. Okay.

23 So the block that the POCs are  
24 on, it is not --- is it not staffed  
25 with regular corrections officers like

1 say the G Block would be?

2 A. No.

3 Q. So they have to pull officers  
4 from the other blocks ---

5 A. Yeah.

6 Q. --- to do that? Okay.

7 So did they --- the entire time  
8 that you were in the POC until April  
9 26, 2017, were they the officers that  
10 came to do your circulation checks?

11 A. Yeah.

12 Q. And then after you were out of  
13 the POC, where did you go?

14 A. To Rear D.

15 Q. To where?

16 A. Rear D.

17 Q. So that's an entirely different  
18 block?

19 A. It is like some more POC cells  
20 back there.

21 Q. There's more POC cells, okay.

22 Did you ever go back to the  
23 RHU?

24 A. Yeah.

25 Q. When did you go back to the

1 RHU?

2 A. A week later.

3 Q. And did you have contact with  
4 Wendle, Myers and Owens then?

5 A. Myers and Owens and  
6 McCallister, because they were down in  
7 the RHU working.

8 Q. I thought McCallister was  
9 always on the POC?

10 A. Yes. But once in a while they  
11 move them around.

12 Q. Got you. Okay.

13 Did you file a grievance  
14 related to the events that happened on  
15 April 18?

16 A. Yeah.

17 Q. And what happened with that  
18 grievance?

19 A. It got denied. And I appealed  
20 it to the superintendent. He upheld  
21 it in part and denied it in part. So  
22 I filed for the same thing.

23 Q. With what did they uphold?

24 A. They uphold both sides because  
25 he said I'm going to hold for an

1 investigation about saying that  
2 nothing happened and on the other side  
3 saying that it did happen but they  
4 don't got enough proof.

5 Q. Okay.

6 So you just referenced an  
7 investigation?

8 A. Yeah.

9 Q. So was this allegation --- you  
10 essentially made an allegation of  
11 abuse related to these events on April  
12 18th. Was that investigated?

13 A. Yeah.

14 Q. And who investigates that?

15 A. OS.

16 Q. And were you interviewed as a  
17 part of that investigation?

18 A. No.

19 Q. You were not. Do you know why  
20 you were not investigated --- or, I'm  
21 sorry, not interviewed?

22 A. They said since I already filed  
23 a grievance, they said they just going  
24 by the grievance.

25 Q. Okay.

1 Do you know if it was  
2 investigated?

3 A. They told me it was  
4 investigated.

5 Q. Were you ever informed of the  
6 results of that investigation?

7 A. Yeah, they said nothing was  
8 found.

9 Q. Did you receive any type of  
10 misconducts related to anything that  
11 happened on April 18th?

12 A. Yeah.

13 Q. What misconduct did you  
14 receive?

15 A. They gave me three assault  
16 misconducts and two for refusing  
17 treatment and an order.

18 Q. And what happened with those  
19 misconducts?

20 A. Four --- most of them got  
21 dismissed. I just got stuck with one  
22 that got me ran back up again.

23 Q. Which one was that?

24 A. The assault.

25 Q. And so there were three

1 assaults?

2 A. Yeah.

3 Q. Which one stayed?

4 A. The one from Myers.

5 Q. Myers. So any assault charges  
6 with Wendle and Owens got dismissed?

7 A. Yeah.

8 Q. But the one with Myers was  
9 upheld. And what happened?

10 A. They gave me 60 days.

11 Q. Sixty (60) days in the RHU?

12 A. Yeah.

13 Q. Okay.

14 I just want to go through your  
15 claims a little bit. The claim that  
16 you had filed against Owens is a  
17 failure to protect. So you say that  
18 in your Complaint at paragraph 40 ---  
19 and we can enter this as Exhibit 1.

20 ---

21 (Whereupon, Deposition  
22 Exhibit 1, Complaint,  
23 was marked for  
24 identification.)

25 ---

1 BY ATTORNEY DEIBERT:

2 Q. This is a copy of your  
3 Complaint. I don't have a clean copy,  
4 but you say here that Owens knew of a  
5 substantial risk to serious harm. So  
6 what was the threat? What was the  
7 harm?

8 A. Because I told him --- when  
9 they took me to the POC, I told him,  
10 look, you know why I'm in the POC for,  
11 for the razor in my stomach. You  
12 can't take no vitals, you know, you  
13 can't force my stomach or nothing like  
14 that, can't do it, because you are ---  
15 might bust my stomach open.

16 So as soon as they started  
17 using the force, that's when the nurse  
18 told the doctor and the doctor is  
19 like, look, you can't be doing that.  
20 He is not eating. He is not doing  
21 nothing. Just let him go. He will  
22 have to vomit the thing on his own.

23 Q. So it sounds like the serious  
24 harm is related to the razors that  
25 were in your stomach?

1 A. Yeah.

2 Q. And any type of use of force  
3 that was going to be used against  
4 you ---

5 A. Yeah.

6 Q. --- that's the risk of harm?  
7 Okay.

8 And you had told Owens when you  
9 went into the POC ---

10 A. Yeah.

11 Q. --- that you know why I'm in  
12 here, so --- okay.

13 A. Yeah.

14 Q. And what about --- I'm sorry?

15 A. Yeah, because they were scared  
16 when they did the ultrasound that it  
17 was going to cut my stomach, because  
18 it was like pushing out, right. So  
19 they had to send me out to the  
20 hospital. And they were just like  
21 give him liquid and let him walk  
22 around so he can flush it out.

23 Q. So you didn't have to have any  
24 type of surgery to have them removed  
25 or anything?



1 A. No, they said it snapped in  
2 four pieces.

3 Q. They snapped in four pieces?

4 A. Yeah.

5 Q. How many did you swallow?

6 A. It was just one whole razor.

7 Q. How long was it?

8 A. Like that long (indicating). I  
9 don't even know how it snapped.

10 Q. So I have the same questions  
11 then with Corrections Officer Myers,  
12 because you kind of had the same  
13 language where he had knowledge of a  
14 serious injury. He had knowledge of a  
15 serious injury and then constituted  
16 deliberate indifference to ---  
17 serious, to his physical assault.

18 So what was the risk --- what  
19 was the serious risk of substantial  
20 harm with Lieutenant Myers --- or  
21 Correction Officer Myers?

22 A. I told him --- he is the one  
23 that --- when I came back from the  
24 hospital, he is the one that walked me  
25 up to the POC. And I told him, look,

1       you can't --- can't put me to the wall  
2       in handcuffs, because the hospital  
3       doctor said you can't pull me to the  
4       wall. You got to let me walk it  
5       around so I can flush it. He is like,  
6       well, the shift commander said you got  
7       to be cuffed to the wall. I said, how  
8       am I going to flush it out if I can't  
9       move.

10               So he started getting angry  
11       about --- we started arguing about it  
12       back and forth. So they forced me in  
13       to the bunk with force and just  
14       handcuffed me and they just all left.  
15       And that's all like you can't use  
16       force on me because I got a razor.

17       Q.       So it sounds like what you are  
18       saying is it is something similar to  
19       with Owens?

20       A.       Yeah.

21       Q.       That the risk of serious harm  
22       had to do with the razors in your  
23       stomach and not being handcuffed to  
24       the wall?

25       A.       Yeah.

1 Q. Is that correct? Okay.

2 Let's talk about the claims  
3 against Wendle. You have a deliberate  
4 indifference claim, a similar claim  
5 against Lieutenant Wendle. What was  
6 the substantial risk of serious harm  
7 with Wendle?

8 A. Well, I told him what I was  
9 going through with the guards, how  
10 they going to, you know, with the  
11 procedure, because I have been through  
12 this all my life, you know, like with  
13 the razors and all that stuff. So I  
14 told him, look, you wanted somebody to  
15 do something like that with a death in  
16 the family. You can't use force,  
17 because you don't know where the  
18 blades are at in the stomach. And he  
19 is like, oh, that's not going to cut  
20 you, because it is in your stomach.  
21 It is going to move around.

22 So that's what --- that's when  
23 the nurse started doing the  
24 ultrasounds on my belly to see where  
25 the razor was moving from them trying

1 to hold me down and they were like  
2 moving all over. And they told him,  
3 look, stop using force.

4 Q. Okay.

5 So again it sounds like it was  
6 relate to the razors that were in your  
7 stomach?

8 A. Yeah.

9 Q. So you had informed Lieutenant  
10 Wendle of force that was being used?

11 A. Yeah.

12 Q. Okay.

13 And the force that was being  
14 used, was it kind of like we described  
15 before, they were doing the  
16 circulation check?

17 A. Yeah, they were doing for the  
18 whole time I was back there. They  
19 were doing circulations.

20 Q. Was there any other type of  
21 force that was used?

22 A. Just when I went on the  
23 restraint chair.

24 Q. When did you go on the  
25 restraint chair?

1 A. That was like the 26th ---  
2 25th, around there.

3 Q. So towards the end?

4 A. Yeah. Because they said I  
5 broke the handcuffs.

6 Q. How long were you in the  
7 restraint chair?

8 A. Just for two hours.

9 Q. Two hours. And then you went  
10 back into the POC?

11 A. Yes.

12 Q. And you had just said something  
13 about ultrasounds, nurse doing  
14 ultrasounds. Were they doing  
15 ultrasounds in the POC?

16 A. No, they take you to a  
17 different room so they can do it.

18 Q. But it was here ---

19 A. Yeah.

20 Q. --- it was at the prison?

21 A. Yeah.

22 Q. They didn't send you out  
23 to ---?

24 A. No, they did it here.

25 Q. They did the ultrasounds here.

1       How often were you getting  
2       ultrasounds?

3       A.       Like three times.

4       Q.       Do you know when you had them?

5       A.       I don't remember the dates.

6       Q.       Did you ever file a lawsuit, a  
7       different lawsuit against any of these  
8       Defendants?

9       A.       No.

10      Q.       Aside from the grievance ---  
11      well, actually, I'm sorry, let me go  
12      back to the grievance that you filed  
13      that was related to the April 18th  
14      incident. Who did you file that  
15      grievance against?

16      A.       Myers and all the COs.

17      Q.       So Myers ---?

18      A.       Owens, Lieutenant Cischko,  
19      Wendle, all of them.

20      Q.       Did you file it against Captain  
21      Harris?

22      A.       Yes.

23      Q.       Okay.

24               Other than the grievance that  
25      you filed that related to the April

1 18th incident, did you file other  
2 grievances against any of these  
3 Defendants?

4 A. No.

5 Q. Okay.

6 After the grievance that you  
7 filed related to the April 18th  
8 incident, did you file any other  
9 grievances against any of these  
10 Defendants?

11 A. No. I just talked to POC about  
12 it. And they just told me to just  
13 stay away from them, so I could make  
14 it out of the hole.

15 Q. Okay.

16 In your Complaint you talk  
17 about requests to security officer  
18 Lieutenant Eberling?

19 A. Eberling.

20 Q. Eberling. What requests were  
21 you filing to him?

22 A. Complaint about the assault  
23 that happened in POC.

24 Q. So the April 18th incident?

25 A. Yeah.

1 Q. Did you ever file requests to  
2 him before?

3 A. Yes, three requests and he said  
4 --- he talked to me like --- when I  
5 got out of the POC, that's when he  
6 called me up.

7 Q. Okay.

8 And what happened?

9 A. He said he is going to do an  
10 investigation and I never got a copy  
11 of the paperwork.

12 Q. Okay.

13 So the three requests that you  
14 just referenced, were they all in  
15 relation to the April 18 incident?

16 A. Yeah.

17 Q. They were, okay.

18 Before April 18 had you ever  
19 filed a request to him?

20 A. Just one.

21 Q. What was that one about?

22 A. Actually, if I can speak to him  
23 --- asking if I can speak to him about  
24 the incident and if anything happened  
25 or if the State Police got in touch



1 with him. He said never heard back.  
2 He just said we still investigating,  
3 just going to hear back from us.

4 Q. That was related to the April  
5 18 incident?

6 A. Yeah.

7 Q. Okay.

8 So the one --- the request that  
9 you had filed prior to April 18th,  
10 what was that about?

11 A. About --- one of it was about  
12 the assault. The other one was about  
13 --- I told him that I had two  
14 witnesses that were in the POC that  
15 seen the whole thing. And they didn't  
16 even call or talk to them. One of  
17 them already got transferred.

18 Q. Who were these two witnesses?

19 A. Two inmates.

20 Q. Do you know who they are, their  
21 names?

22 A. One of them is Thomas Wood. He  
23 got transferred. I think he went to  
24 Phoenix, they told me.

25 Q. And who was the other one?

1 A. The other one, I don't know his  
2 name. He just went home.

3 Q. Okay.

4 A. And how did they see what was  
5 going on in the POC?

6 A. They saw --- glass door.

7 Q. So there's a glass door.

8 Can you describe the way the  
9 POC was laid out to me?

10 A. Like, one cell is right here.  
11 Shower is here. There's two more  
12 cells over here.

13 Q. So it sounds like it is down a  
14 hallway. Is there --- actually why  
15 don't we do this. I'm going to give  
16 you a piece of paper. Could you draw  
17 it for me?

18 A. Yeah. If I can move my arm.

19 Q. That's right. I'm sorry.

20 A. Here is a door right here for  
21 the POC.

22 Q. Okay.

23 A. Like one cell right here. This  
24 is a shower. One right here and one  
25 right here. There is a CO sits right

1 here. From these two cells, you can  
2 see straight over.

3 Q. Which one were you in?

4 A. I was right here.

5 Q. Can you put a star next to  
6 that?

7 Okay.

8 A. This is where Woods was at.  
9 The dude that went home, he was over  
10 there.

11 Q. He went home.

12 Could you put a VT next to that  
13 so I know that was you. And put the  
14 Wood there, TW, okay.

15 A. And then this is ---.

16 Q. Can you --- I'm sorry. Could  
17 you just put an arrow and put CO?

18 Okay. Thank you.

19 ATTORNEY DEIBERT:

20 We're going to mark this  
21 as Exhibit 2. Thank you.

22 ---

23 (Whereupon, Deposition  
24 Exhibit 2, Diagram was  
25 marked for

1 identification.)

2 ---

3 BY ATTORNEY DEIBERT:

4 Q. It sounds like you are  
5 testifying that there were two  
6 witnesses as to what happened, but to  
7 your knowledge they were not  
8 interviewed?

9 A. No.

10 Q. All right.

11 In your Complaint you reference  
12 another lawsuit that you filed while  
13 you were at SCI Camp Hill. Can you  
14 tell me about that lawsuit?

15 A. I still am waiting on trial  
16 because of my surgery been backed up  
17 on my trial date.

18 Q. You are going to trial?

19 A. Yeah.

20 Q. Do you know when you are going  
21 to trial on that?

22 A. Just waiting for my status  
23 report. Trying to figure out what is  
24 a status report.

25 Q. Can you just kind of tell me,

1       you don't have to get into specifics  
2       but just generally, what that lawsuit  
3       is about or what the trial is going to  
4       be about?

5       A.       Assault, I was unresponsive  
6       after assaults and being in a  
7       restraint chair for nine hours.

8       Q.       Okay.

9               So that happened at SCI Camp  
10       Hill?

11       A.       Yeah.

12       Q.       Do you know if these Defendants  
13       knew about that lawsuit?

14       A.       Yeah, two of them did, because  
15       they go through your inventory  
16       property and all that. That's how  
17       they knew because of my paperwork.

18       Q.       Because of your paperwork. So  
19       which two?

20       A.       Myers and Owens.

21       Q.       Myers and Owens when you came  
22       into SCI Huntingdon processed your  
23       property?

24       A.       Yeah.

25       Q.       And in that property there was

1 legal paperwork that showed that?

2 A. Yeah.

3 Q. Did any of the other Defendants  
4 know?

5 A. Well, they must have knowed  
6 through them, because they were the  
7 only two went through my property.

8 Q. But you don't know if they  
9 knew. They never talked to you about  
10 it?

11 A. No.

12 Q. Did Myers and Owens ever talk  
13 to you about it?

14 A. They just keep telling me  
15 that's all I like to do is file  
16 lawsuits.

17 Q. When did they say that to you?

18 A. When I went back to the hole.

19 Q. When you went back to the RHU,  
20 okay.

21 I'm sorry. And if I'm --- I'm  
22 sorry if you have already answered  
23 this question. After you left the POC  
24 and went back --- when you went back  
25 to the RHU, how long were you in the

1 RHU then?

2 A. All the way to September.

3 Q. September.

4 A. September 17.

5 Q. Okay.

6 So in September 2017, you were  
7 released from the RHU?

8 A. 2018.

9 Q. I'm sorry, 2018. Okay.

10 So it sounds like you would  
11 have gone back to the RHU at the end  
12 of April 2017?

13 A. Yeah.

14 Q. And then you were there until  
15 September 2018?

16 A. Yeah.

17 Q. And what type of contact did  
18 you have with Myers, Owens and Wendle  
19 during that time period?

20 A. When we got showers and in the  
21 yard.

22 Q. Do you know what shift they  
23 worked?

24 A. First shift and second shift.

25 Q. Who worked first shift if you

1 know?

2 A. Well, they both work overtime  
3 on --- they both second shift, but  
4 they worked overtime on first shift.

5 Q. Well, I have three. I have  
6 Myers, Owens and Wendle?

7 A. The other three are from first  
8 shift.

9 Q. So first shift and then they  
10 would work overtime into second shift?

11 A. Yeah.

12 Q. Okay.

13 In your Complaint, you  
14 reference Mayor (sic) Scott Walter.  
15 Who is that?

16 A. He is a deputy now.

17 Q. Okay.

18 Is that major?

19 A. Yeah.

20 Q. Major?

21 A. Yeah.

22 Q. Okay.

23 I read it as Mayor Scott Walter  
24 and I was very confused why you were  
25 bringing a mayor into the lawsuit.



1           So he was a major at the time.  
2           And you mentioned him in your lawsuit  
3           so what did he do?

4           A.       Well, I explained it to him  
5           like what happened and if I could get  
6           transferred and other stuff, because  
7           they keep destroying my legal work.

8           Q.       Who was destroying your legal  
9           work?

10          A.       Owens, when he was back there,  
11          because I just lost a full box of the  
12          one that I'm going to trial. I can't  
13          find no transcripts for that one.  
14          That's why I told the judge I can't do  
15          my status, because I can't find the  
16          paperwork.

17          Q.       So you are alleging that Owens  
18          destroyed your legal paperwork?

19          A.       Yeah.

20          Q.       Why are you --- why do you  
21          think it was Owens?

22          A.       Because he is the only one that  
23          does the legal exchange and all that.

24          Q.       He does the legal exchange.  
25                   When did you lose it?

1 A. Right before I got out of the  
2 hole.

3 Q. So you have not had it since  
4 September 2018?

5 A. No. The only one I got is the  
6 one for this case now.

7 Q. Okay.

8 Have you lost any legal  
9 paperwork related to this case?

10 A. Just one discovery, that's it.

11 Q. Okay.

12 And which discovery is that?

13 A. I think it was a second one  
14 that I got. It was the one that I was  
15 arguing about --- the one that says  
16 anger --- half of discovery ---.

17 Q. We're almost done with the  
18 deposition. So when we're done with  
19 that and we're off the record, you and  
20 I can have a discussion. I can get  
21 you a copy of whatever you are  
22 missing, but let's discuss that off  
23 the record.

24 What did Captain Harris do as a  
25 Defendant? So if I'm recalling

1       correctly, you testified that you had  
2       talked to Captain Harris. ---

3       A.       Yeah.

4       Q.       --- about what happened. Other  
5       than that, did he do anything?

6       A.       He said write an investigative  
7       report, so they can investigate it.  
8       And Wood, he told him the same thing  
9       happened. And he is like, well, I got  
10      to check the video and all that.

11      Q.       And you had said that Captain  
12      Harris came to talk to you about it a  
13      couple days later.

14              Correct?

15      A.       Yeah.

16      Q.       What did he say again?

17      A.       He is like you didn't hear this  
18      from me, but I seen the video and  
19      nothing they told me like shows in the  
20      video.

21      Q.       You are saying nothing they  
22      told me shows in the video?

23      A.       Yeah.

24      Q.       So what did that mean to you?

25      A.       Because --- it means like

1       either they deleted it or they did  
2       something with that video.

3       Q.       Okay.

4               Have you watched the videos  
5       that I have produced to you in  
6       discovery?

7       A.       Yes, I have one of them. It  
8       didn't want to open.

9       Q.       Do you know which one it was?

10      A.       I don't remem --- I think it  
11      was the last one.

12      Q.       Okay.

13      A.       And it didn't seem to want to  
14      open.

15      Q.       They can be finicky for sure.  
16      Which ones do you recall watching?

17      A.       The hand held and the one on  
18      the strip cage.

19      Q.       Okay.

20               So the hand held for which  
21      time, for 6:30 or 8:30?

22      A.       6:30 and 8:30.

23      Q.       So both --- hand held for both?

24      A.       Yeah. And in the one from the  
25      POC, they showed me that one. But the

1 last one it sent will not open.

2 Q. It wouldn't open, okay.

3 And other than running the ---  
4 again, I apologize if you already  
5 answered this question, but  
6 McCallister, other than running the  
7 video, being the cameraman  
8 essentially, what did he do?

9 A. Well, he just sat there and  
10 watched everything that went down.

11 Q. Okay.

12 A. Because he is the one that told  
13 me, yeah, I seen everything. Why are  
14 --- you didn't call nobody. He is, I  
15 tried to call people. I was like, no,  
16 you did not. You was standing at the  
17 door. I seen you not even picking up  
18 the phone.

19 Q. Where did McCallister --- in  
20 this time period, in the 2017 time  
21 period, where was McCallister working?

22 A. POC.

23 Q. And so he was with the POC?

24 A. Yeah.

25 Q. Okay. That's right. You did

1 say that.

2 And he did sometimes work on G  
3 Block as well?

4 A. Yeah.

5 Q. Okay.

6 If it would be like an  
7 overtime ---?

8 A. Yeah, overtime.

9 Q. Okay.

10 Other than what we have talked  
11 about today, is there anything else  
12 that I have not asked you that you  
13 want me to know?

14 A. No.

15 Q. No, okay.

16 Was there ever any --- with the  
17 contact that you had with Owens, Myers  
18 and Wendle on G Block, was there ---  
19 did they ever use force on you while  
20 you were in the RHU?

21 A. Just when I went for the POC to  
22 the strip cage, that's it.

23 Q. And what type of force would  
24 they use?

25 A. Just holding me like real tight

1 by my arms and all that. And that's  
2 when the LT told him, look, just leave  
3 him alone, because he already told you  
4 --- captain already said you can't be  
5 near him so just move.

6 Q. Okay.

7 A. And that was Captain Harris  
8 told him, look, stay away from him.

9 Q. Okay.

10 And I believe you had testified  
11 earlier that Myers and Owens would, I  
12 think you used the phrase, burn you  
13 for yard and showers?

14 A. Yeah.

15 Q. Is that correct?

16 That was when you were in the  
17 RHU?

18 A. Yeah.

19 Q. And when was that? Could you  
20 give me a time period?

21 A. That was like in the morning  
22 time like around --- well, they serve  
23 breakfast 6:00 in the morning, because  
24 we go to the yard at 7:00 and shower  
25 starts at 11:00.

1 Q. And could you give me like a  
2 date, time period, a date range?

3 A. 27th or 28th.

4 Q. And what ---?

5 A. RHU.

6 Q. In the RHU. You said the 27th  
7 and 28th. What month or can you give  
8 me a range?

9 A. Those were like --- like in  
10 March.

11 Q. In March of 20 ---?

12 A. 2018.

13 Q. 2018. Okay. March of 2018.  
14 And how often did it happen?

15 A. Just twice.

16 Q. So you didn't get to go to yard  
17 twice and you didn't get to shower  
18 twice?

19 A. Yeah.

20 Q. Okay.  
21 Was it on the same day?

22 A. Yeah, the same day.

23 Q. Same day. How far apart did it  
24 occur?

25 A. Like, because they were doing



1 showers from 10:00 to 11:00. And then  
2 they stop. They keep the rest for the  
3 second shift when they came to finish  
4 them up. So I knew he was staying  
5 overtime and that's when he said, oh,  
6 you getting out the door for shower.  
7 I'm not even yelling. I'm here  
8 waiting.

9 Q. Okay.

10 A. And I told the LT that. And he  
11 said, well, the CO said you were  
12 yelling, so you were burnt.

13 Q. Did you file a grievance about  
14 those?

15 A. No, I wrote the unit manager,  
16 and he talked to the CO. And he is  
17 like he wasn't on the list like. He  
18 just told me to get ready.

19 Q. Okay.

20 But you didn't file a grievance  
21 about it?

22 A. No, because he said he was  
23 going to handle it.

24 Q. Did he handle it?

25 A. Yeah, he just told him just

1 give him a shower next time, just told  
2 me make sure you are at the door. I  
3 was up there. And you see me, because  
4 you always come back through  
5 everything.

6 Q. Do you know if --- and I'm  
7 sorry, was it Myers or Owens?

8 A. Myers.

9 Q. Myer did that. Do you know if  
10 he was disciplined at all for that?

11 A. No.

12 Q. You don't know or he wasn't?

13 A. No, he wasn't.

14 Q. He wasn't, okay.

15 So aside from you talked about  
16 Owens, who does the legal exchange,  
17 has lost some of your legal paperwork?

18 A. Yeah.

19 Q. And was it only Myers who had  
20 burned you for the yard and showers?

21 A. Yeah.

22 Q. Other than those things, what  
23 other dealings or what other things  
24 happened with any of these Defendants?

25 A. Well, they just --- POC just

1 told them stay away from me and just  
2 --- because they were trying to get me  
3 back out in population. So they moved  
4 out to population. And now that I'm  
5 in population, I only see like two of  
6 them out here once in a while.

7 Q. I'm sorry. Are you saying like  
8 they moved their assignment from G  
9 Block to population?

10 A. Yeah.

11 Q. And when was that?

12 A. Like two months before I got  
13 out.

14 Q. And now that you're in general  
15 population, are they still in general  
16 population?

17 A. Yeah, one or two I see out  
18 here.

19 Q. Who do you see?

20 A. Owens and Myers.

21 Q. And do you have problems with  
22 them in general population?

23 A. No, I stay away from them.

24 Q. So you stay away from them.  
25 They stay away from you?

1 A. (Indicates yes).

2 Q. Okay.

3 Are they COs on the block where  
4 you live?

5 A. No, they work out in the yard.

6 Q. In the yard, okay.

7 But the yard where you would go  
8 for yard?

9 A. Yeah.

10 Q. Okay. Okay.

11 Is there anything else, Mr.  
12 Torres?

13 A. No.

14 Q. Okay.

15 ATTORNEY DEIBERT:

16 That's all I have for  
17 you. Do you have any questions  
18 about anything that we have  
19 talked about here?

20 THE WITNESS:

21 No.

22 ATTORNEY DEIBERT:

23 Okay. Then we're done.

24 \* \* \* \* \*

25 DEPOSITION CONCLUDED AT 11:38 A.M.

1 COMMONWEALTH OF PENNSYLVANIA )  
 2 COUNTY OF INDIANA )  
 3

4 CERTIFICATE

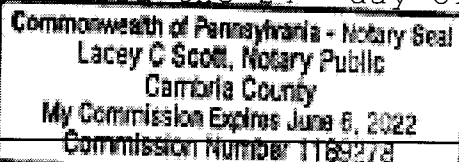
5 I, Lacey C. Scott, a Notary Public in and  
 6 for the Commonwealth of Pennsylvania, do  
 7 hereby certify:

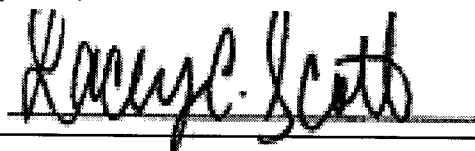
8 That the foregoing proceedings, deposition  
 9 of Hector Torres, was reported by me on  
 10 07/25/19 and that I, Lacey C. Scott, read this  
 11 transcript and that I attest that this  
 12 transcript is a true and accurate record of  
 13 the proceeding.

14 That the witness was first duly sworn to  
 15 testify to the truth, the whole truth, and  
 16 nothing but the truth and that the foregoing  
 17 deposition was taken at the time and place  
 18 stated herein.

19 I further certify that I am not a  
 20 relative, employee or attorney of any of the  
 21 parties, nor a relative or employee of  
 22 counsel, and that I am in no way interested  
 23 directly or indirectly in this action.

24 Dated the 24<sup>th</sup> day of August, 2019

25 



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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HECTOR VARGASTORRES  
VS.

CAPT. B. HARRIS  
LT. WENDLE  
LT. R. CISCHKO  
C/O. K. MYERS  
C/O. B. A. OWNS  
C/O. MCCALISTER

CIVIL ACTION RIGHTS NO.                     

JUDGE: 4:17-CV-1977

JURY TRIAL DEMANDED

I. COMPLAINT

PLAINTIFF, HECTOR VARGASTORRES, A PRO SE FOR HIS COMPLAINT STATE AS FOLLOWS:

II. PARTIES, JURISDICTION AND VENUE

- 1) PLAINTIFF, HECTOR VARGASTORRES, WAS CONFINED IN THE STATE CORRECTIONAL INSTITUTION, LOCATED AT 1106 PIKE ST, HUNTINGDON, PA. 16854-1112, FROM JUNE 7, 2016 TO PRESENT. PLAINTIFF IS CURRENTLY CONFINED IN THE RESTRICTED HOUSING UNIT (RHU).
- 2) PLAINTIFF, HECTOR VARGASTORRES, IS AND WAS AT ALL TIME MENTIONED HEREIN AN INDIVIDUAL, AND A CITIZEN OF THE UNITED STATES AND A RESIDENT OF STATE OF PENNSYLVANIA.
- 3) DEFENDANT, C/O. K. MYERS, IS EMPLOYED AS A PRISON GUARD - AT SCI - HUNTINGDON, 1106 PIKE ST, HUNTINGDON, PA. 16854-1112. DEFENDANT C/O. K. MYERS, IS EMPLOYED AS A GUARD IN THE RESTRICTED HOUSING UNIT (RHU) FROM THE 6-2 AM SHIFT.
- 4) DEFENDANT, C/O. B. A. OWNS, IS EMPLOYED AS A PRISON GUARD, AT SCI - HUNTINGDON, 1106 PIKE ST, HUNTINGDON, PA. 16854-1112. DEFENDANT, C/O. B. A. OWNS, IS EMPLOYED AS A GUARD IN THE RESTRICTED HOUSING UNIT (R.H.U.) AND GENERAL POPULATION AS WELL THE 6-2 AM. SHIFT.







- 5) DEFENDANT, C/O. MCCALLISTER, IS EMPLOYED AS A PRISON GUARD AT SCI-HUNTINGDON, 1100 PIKE ST., HUNTINGDON, PA. 16654-1112. DEFENDANT C/O. MCCALLISTER, IS EMPLOYED AS A PRISON GUARD IN THE RESTRICTED HOUSING UNIT ("R.H.U.") AND THE ("POC"/OBS") IN MEDICAL DEPARTMENT ROOM AS WELL THE 6-2 AM SHIFT.
- 6) DEFENDANT, LT. WENDLE, IS EMPLOYED AS A PRISON LIEUTENANT GUARD AT SCI-HUNTINGDON, 1100 PIKE ST., HUNTINGDON, PA. 16654-1112. DEFENDANT LT. WENDLE IS EMPLOYED AS A LIEUTENANT IN THE RESTRICTED HOUSING UNIT ("R.H.U.") AND GENERAL POPULATION AS WELL THE 6-2 AM SHIFT.
- 7) DEFENDANT, STROISCH, IS EMPLOYED AS A PRISON LIEUTENANT GUARD AT SCI-HUNTINGDON, 1100 PIKE ST., HUNTINGDON, PA. 16654-1112. DEFENDANT LT. CISEO, IS EMPLOYED AS A LIEUTENANT IN THE RESTRICTED HOUSING UNIT ("R.H.U.") AND THE ("POC"/OBS") IN MEDICAL DEPARTMENT ROOM AS WELL THE 6-2 AM SHIFT.
- 8) THIS ACTION ARISE UNDER AND IS BROUGHT PURSUANT TO 42 U.S.C. § 1983 TO REMEDY THE DEPRIVATION, UNDER COLOR OF STATE LAW OF RIGHTS, GUARANTEED BY THE FOURTH, EIGHTH AND FOURTEETH AMENDMENT TO THE UNITED STATES CONSTITUTION VIOLATION. THIS COURT HAS JURISDICTION OVER THIS ACTION PURSUANT TO 28 U.S.C. § 1331 & 1343 (B).
- 9) PLAINTIFF CLAIMS FOR INJUNCTIVE RELIEF ARE AUTHORIZED BY RULE 65 (A) OF THE FEDERAL RULES OF CIVIL PROCEDURE.
- 10) THIS CAUSE OF ACTION ARISE IN THE MIDDLE DISTRICT OF PENNSYLVANIA, THEREFORE, VENUE IS PROPER UNDER 28 U.S.C. § 1391 (A).

### III. PREVIOUS LAWSUITS BY PLAINTIFF

- 11) PLAINTIFF HAS FILE OTHER LAWSUIT DEALING WITH THE FACTS INVOLVED IN THIS ACTION OR OTHERWISE RELATING TO HIS IMPRISONMENT.
- 12) MY LAWSUIT IS OF EXCESSIVE FORCE USED AND ASSAULT AND THE USE OF THE RESTRAINING CHAIR UNIT BY DEFENDANTS C/O. LT. LEEDON, ET. AL, IN THE MIDDLE DISTRICT COURT HOUSE. JUDGE: MATTHEW W. BRANN CASE NO# 4:16-cv-00444 THE CASE IS STILL PENDING TWO MOTION OF SUMMARY JUDGMENT AND ONE DESPOTION, THIS LAWSUIT WAS FILED ON JANUARY 11, 2016. STILL PENDING IN THE FEDERAL COURT HOUSE AS A 42 U.S.C. § 1983.



#### IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

- 13) PLAINTIFF DID EXHAUSTED HIS ADMINISTRATIVE REMEDIES BEFORE FILING THIS COMPLAINT IN COURT. SEE EXHIBIT (A), (B), (C), (D), (E).
- 14) PLAINTIFF DID WRITE REQUESTS FORM TO SECURITY OF LT. ERELING AND HE STATED THAT MY ALLEGATIONS ARE BEING ADDRESSED AS FOLLOWS; SEE EXHIBIT (A)
- 15) AS OF THIS DATE APRIL 18, 2017, I HAVE NOT SEEN NO ONE FROM THE SECURITY OFFICE TO TALK TO ME ABOUT MY ALLEGATION THAT I FILE ON THIS C/O. K. MYERS ET. AL.
- 16) PLAINTIFF DID WRITE A REQUEST FORM TO THE MAYOR SCOTT, WALTER, AS WELL EXPLAINING HIS ALLEGATION TO HIM ON APRIL 25, 2017, AND STILL DID NOT GET THAT REQUEST BACK WITH NO ANSWER OR NO RESPONSE. PLAINTIFF, STILL GOT BOTH COPY'S OF REQUESTS AND THE ANSWER FROM SECURITY OFFICER, LT. ERELING AS WELL SAYING MY COMPLAINT IS BEING ADDRESSED; SEE EXHIBIT (B)
- 17) PLAINTIFF DID FILE A GRIEVANCE ON APRIL 26, 2017 ON C/O. K. MYERS, ET. AL., WHEN HE GOT ALL HIS PROPERTY BACK DUE TO BEEN IN A ("POC/ORS") DRY CELL HANDCUFFED TO THE BUNK FOR "SEVEN" DAYS AS A CRUEL AND UNUSUAL PUNISHMENT DUE TO PLAINTIFF BEING SLOWED A RACE PLATE.
- 18) PLAINTIFF ALSO APPEALS HIS INITIAL REVIEW TO TO THE FACILITY MANAGER, ON JULY 29, 2017 AND THEN TO CENTRAL OFFICE THE FINAL APPEAL FOR ITS EXHAUSTION TO BE COMPLAINED, ALL THE WAY THROUGH ON AUGUST 22, 2017 TO EXHAUSTION HIS PROCESS OF REMEDIES AS WELL.
- 19) PLAINTIFF ALSO WROTE LETTERS TO JOHN WETZEL HEAD OF SECURITY OFFICE, SHERLEY MOORE THE DISTRICT PRISON REGISTRY SECURITY OFFICE AND OFFICE OF SPECIAL INVESTIGATION AND INTELLIGENCE, AND THE ABUSE NETWORK AND BCI/PREA COORDINATOR AND THOMAS WOLF THE GOVERNOR ON DIFFERENTS DATES; SEE EXHIBIT (C) OF LETTERS.

#### V. STATEMENT OF CLAIM

20) AT ALL RELEVANT TIME HEREIN, DEFENDANT'S WERE "PERSONS" FOR THE PURPOSES OF 42 U.S.C. § 1983 ACTED UNDER COLOR OF LAW TO, DEPRIVE PLAINTIFF OF HIS CONSTITUTIONAL RIGHTS, AS SET FORTH MORE FULLY BELOW.



## VI. STATEMENT OF FACTS

- 21) ON APRIL 15, 2017, PLAINTIFF HECTOR VARGAS TORRES, CAME BACK FROM THE HOSPITAL SICK CHAIR DO TO A RAZOR IN HIS STOMACH WHEN HE WAS TAKEN TO THE ("POC/OBS") CELL AND PUT ON THE SHOWER WHERE HE WAS STRIPSEARCH AND PUT ON A SMOCK AND WALKED INTO CELL #3 TO HIS BUNK AND WAS HAND CUFFED TO THE BUNK FOR NO REASON EXPLAINED AT ALL.
- 22) ON APRIL 16, 2017, PLAINTIFF HECTOR VARGAS TORRES, WAS STILL HAND CUFFED TO HIS BUNK WHEN C/O. K. MYERS, ET AL., CAME INTO HIS CELL FOR HIS VARIOUS SIGN CHECKED WITH A UNKNOWN NURSE I TOLD THEM TO LEAVE ME ALONG, THIS C/O. K. MYERS GRAB MY HAND THAT WAS HAND CUFFED WITH FORCE AND PUSH IT TO THE WALL AND TOLD THE NURSE TO CHECK ME OUT. I PUSH HIS HAND AWAY FROM ME AND THIS C/O. K. MYERS GRAB MY HEAD AND STARTED TO SLAMING MY HEAD TO THE BACK OF THE BUNK IT'S ON THE TOP CORNER CAMERA OF THE "POC/OBS" CELL. THIS HAPPEN AROUND 6:00 AM OR 6:30 AM.
- 23) ON APRIL 18, 2017, PLAINTIFF HECTOR VARGAS TORRES, WAS STILL HAND CUFFED TO HIS BUNK AROUND 8:00 AM OR 8:15 AM THIS DEFENDANT'S C/O. K. MYERS, ET AL., CAME AGAIN TO MY CELL "I YELLED ASSAULT" TIME AND C/O. K. MYERS CAME CLOSE TO ME AND ASSAULTED ME AGAIN, I YELLED FOR THE NURSE DEBRA KOS, AND FOR JESSICA COUSEN THE PHYSICALIANS AND ASK FOR SECURITY AS WELL AND WAS DENIAL OF ALL MY REQUEST AND PLEA FOR HELP.
- 24) ON APRIL 18, 2017 AT 8:30 AM, PLAINTIFF HECTOR VARGAS TORRES, TOLD C/O. MCCALLISTER, TO GET A HOLD OF MRS. JESSICA COUSEN OR SECURITY HE STATED "TO ME IT'S TOO EARLY NO ONE IS IN YET". I TOLD THIS C/O. MCCALLISTER, IT'S 8:30 AM, AND YOU TELLING ME NO ONE IS IN THE BUILDING YET YOU ARE LYING I WANT YOU TO CALL MAYOR. SCOTT. WALTER, HE ALSO REFUSE TO CONTACT HIM OR ANY OF THE DEPUTY IN CHARGE OR TO CALL THE SHIFT COMMANDER IN THE CONTROL BOOTH AS WELL.
- 25) PLAINTIFF HECTOR VARGAS TORRES WAS HAND CUFFED TO THE BUNK FOR "SEVEN" DAYS WITHOUT BEEN ABLE TO MOVE AROUND OR USE THE RESTROOM OR DRINK WATER AT ALL AND WAS FORCE TO SLEEP WITH HIS RIGHT HAND CUFFED TO THE BUNK DAYS AND NIGHT WITHOUT MOVING WHICH IS A CRUEL AND UNSUAL PUNISHMENT AND A VIOLATION OF THE FOURTH, EIGHTH, FOURTEENTH AMENDMENT RIGHT AND DUE PROCESS RIGHTS AND THE CONSTITUTIONAL AND FEDERAL LAW VIOLATION RIGHTS.



26) RE PLAINTIFF HECTOR VARGASTORRES, YELLED FOR A "MED TECH" AND THE BY STANDER DEFENDANT'S C/O. K. MYERS ET. AL, SEEN THIS C/O. K. MYERS ASSAULTING ME AND DID NOTHING TO STOP HIM AT ALL OF HIS ACTION BUT LAUGH AT IT AND WHEN THEY LEFT THE "POC/OBS" CELL #3 OUT OF THE CAMERA THEY ALL GAVE ME THE MIDDLE FINGER AS SAYING TO ME "FUCK YOU VARGASTORRES"

## VIII. DEFENDANT'S

27) DEFENDANT C/O. K. MYERS, DID CAME INTO THE "POC/OBS" CELL #3 WHERE PLAINTIFF HECTOR VARGASTORRES WAS HOUSED DUE TO MEDICAL REASON OF A RAZOR BLADE IN HIS STOMACH THIS C/O. K. MYERS, DID ASSAULTED THE PLAINTIFF BY GRABING HIS FOREHEAD AND SLAMING HIS BACK OF THE HEAD TO THE BUNK "FIVE" TIMES AND THE BY STANDER C/O. B. A. OWNS ET. AL, DID NOTHING TO STOP THIS C/O. K. MYERS, FROM ATTACKING ME AND ASSAULTING ME, HE IS HELD LIABLE.

28) DEFENDANT C/O. B. A. OWNS, DID CAME INTO THE "POC/OBS" CELL #3 WHERE PLAINTIFF HECTOR VARGASTORRES WAS HOUSED AT DUE TO MEDICAL REASON OF A RAZOR BLADE IN HIS STOMACH THIS C/O. B. A. OWNS ET. AL, JUST WATCHED THE ASSAULT AND DID NOTHING TO STOP HIS FELLOW COMPANION FROM ASSAULTING THE INMATE AT ALL, HE IS HELD LIABLE FOR HIS ACTION FOR FAILURE TO PROTECT THE PLAINTIFF.

29) DEFENDANT LT. WENDLE, DID CAME INTO THE "POC/OBS" CELL #3 WHERE PLAINTIFF HECTOR VARGASTORRES, WAS HOUSED DUE TO MEDICAL REASON OF A RAZOR BLADE IN HIS STOMACH THIS LIEUTENANT JUST WATCHED THE ASSAULT AND DID NOTHING TO STOP HIS FELLOW COMPANION FROM ASSAULTING THE PLAINTIFF AT ALL HE IS HELD LIABLE AS A LIEUTENANT FOR HIS ACTION OR FAILURE TO PROTECT THE PLAINTIFF.

30) DEFENDANT C/O. MCCALLISTER, DID SEEN THE WHOLE THING WHEN DOWN THROUGH THE TV. CAMERA AND THE DOOR WAY TO THE CELL OF THE "POC/OBS" #3 HE WAS IN CHARGE OF WATCHING INMATE'S IN THE "POC" CELL FOR THERE SAFETY AND HEALTH AND HE FAIL TO PROTECT THE PLAINTIFF WHEN HE WAS ASSAULTED BY C/O. K. MYERS, INSIDE THE "POC/OBS" CELL #3 WHEN THE PLAINTIFF WAS IN HANDCUFFED FOR (3) DAYS ON APRIL 18, 2017 WHEN IT HAPPENED PLAINTIFF DID NOT CAME OF HIS HANDCUFF UNTILL APRIL 20, 2017. THIS C/O. MCCALLISTER, IS HELD LIABLE FOR HIS ACTION FOR FAILURE TO PROTECT.





30) DEFENDANT STRACISHEWICZ CAME TO THE "POC/OBS" CELL NO#3 AND WAS THERE WHEN THE C/O MYERS ASSAULTED THE PLAINTIFF AND HE JUST STOOD THERE AND WATCH THE WHOLE THING AND DID NOTHING TO STOP HIS C/O MYERS FOR ASSAULTING ME AT ALL. HE IS A LIEUTENANT SUPERVISOR AND HE IS HELD LIABLE FOR HIS ACTION AS WELL AS FOR FAILURE TO PROTECT PLAINTIFF AS WELL.

### COUNT ONE: BREACH OF DUTY TO PROTECT PLAINTIFF

32) DEFENDANT C/O. B.A. OWNS, EXERCISED DELIBERATE INDIFFERENCE TO PLAINTIFF HECTOR VARGASTERRER, HEALTH AND SAFETY BY FAILING TO PROTECT HIM FROM A PRISON STAFF ATTACK EVEN THOUGH HE HAD BEEN INFORMED OF A THREAT TO PLAINTIFF HEALTH AND SAFETY. DEFENDANT C/O. B.A. OWNS, RECEIVED REPEATED REQUESTS ORAL FROM PLAINTIFF, THAT HE FEAR FOR HIS LIFE BEEN AROUND C/O. K. MYERS, DEFENDANT C/O. B.A. OWNS, DELIBERATE INDIFFERENCE TO PLAINTIFF HEALTH AND SAFETY DO TO THAT HE WAS ASSAULTED AND FURTHER DEMONSTRATED WHEN HE SPOKE TO PLAINTIFF THE DAYS AFTER PLAINTIFF HAD BEEN ATTACKED AND LAUGHED AT THE PLAINTIFF INJURIES.

33) DEFENDANT C/O. MCCALLISTER, EXERCISED DELIBERATE INDIFFERENCE TO PLAINTIFF HECTOR VARGASTERRER, HEALTH AND SAFETY BY FAILING IMMEDIATELY TO PROTECT PLAINTIFF FROM AN ASSAULT ATTACK BY C/O. K. MYERS, AS SOON AS HE SAW IT HAPPING. INSTEAD THESE DEFENDANT'S C/O. K. MYERS, ET, AL, MERELY ACKNOWLEDGED TO THE PLAINTIFF THAT THEY SAW THE ASSAULT OF ATTACK AND DESPITE SEEING THAT PLAINTIFF HAD SUFFERED AND WAS SUFFERING SERIOUS INJURIES, THE DEFENDANT'S FAILURE TO STOP THE ASSAULT OF ATTACK IMMEDIATELY THEY FAIL TO DO SO, AS MALICIOUSLY AND SADISTICALLY.

34) DEFENDANT LT. WENDLE, EXERCISED IN DELIBERATE INDIFFERENCE TO PLAINTIFF HEALTH AND SAFETY BY FAILING IMMEDIATELY TO PROTECT PLAINTIFF FROM AN ASSAULT OF ATTACK BY C/O. K. MYERS, AS SOON AS HE SAW IT HAPPING. INSTEAD THESE DEFENDANT'S C/O. K. MYERS, ETAL, MERELY ACKNOWLEDGED TO THE PLAINTIFF THAT THEY SAW THE ASSAULT OF ATTACK AND DESPITE SEEING THAT PLAINTIFF HAD SUFFERED AND WAS SUFFERING SERIOUS INJURIES, THE DEFENDANT'S C/O. K. MYERS, ET, AL, FAILED TO STOP THE ASSAULT OF ATTACK IMMEDIATELY THEY ALL FAIL TO DO SO, AS MALICIOUSLY AND SADISTICALLY.



35) DEFENDANT LEECISCHER EXERCISED DELIBERATE INDIFFERENCE TO PLAINTIFF HEALTH AND SAFETY BY FAILING TO PROTECT HIM FROM C/O. K. MYERS, ASSAULT AND ATTACKING HIM EVEN THOUGH HE HAD BEEN INFORMED OF A THREAT TO PLAINTIFF HEALTH AND SAFETY. DEFENDANT LT. CISCO, RECEIVED REPEATED REQUESTS AND ORAL COMPLAINT ABOUT PLAINTIFF BEING ASSAULTED BY C/O. K. MYERS, ON HIM "TWO" TIMES IN THE "POC/OBS" CELL NO#3. DEFENDANT LT. CISCO, DID DELIBERATE INDIFFERENCE TO FAILURE TO PROTECT PLAINTIFF HEALTH AND SAFETY WAS FURTHER DEMONSTRATED WHEN HE SPOKE TO MAYOR. SCOTT WALTER AND THE PLAINTIFF ON THE "SEVEN" DAY AFTER PLAINTIFF HAD BEING ASSAULT WITH PHYSICAL ASSAULT OF ATTACK AND LAUGHED AT THE PLAINTIFF INJURIES.

### COUNT/TWO: RETALIATIONS FOR FILING GRIEVANCES AND CLAIMS ON SECTION 1983 CIVIL LAWSUIT IN COURT

36) ALMOST IMMEDIATELY AFTER PLAINTIFF FILE A GRIEVANCE AGAINST C/O. K. MYERS ET, AL., DEFENDANT'S REPEATEDLY HARRASSED AND CAUSE HARM TO PLAINTIFF IN RETALIATION FOR THE GRIEVANCE HE FILE ON THEM. DEFENDANT'S C/O. K. MYERS ET, AL., KEEP BURN PLAINTIFF FOR HIS YARDS AND SHOWERS DAYS AS WELL FOR NO REASON TO DO SO. "DEFENDANT'S C/O. K. MYERS ET, AL." CAME TO PLAINTIFF CELL EVERY MORNING AND SAYING TO THE PLAINTIFF YOU ARE NOT ON THE YARD LIST I SIGN UP FOR SHOWERS THE SAME THING HE KEEPS SAYING I'M NOT ON THE LIST AT ALL. THIS IS A RETALIATION TOWARDS ME AND A RETALIATION FOR MY ALLEGATIONS I MADE IN MY GRIEVANCE I FILE AGAINST C/O. K. MYERS ET, AL.,

37) AFTER PLAINTIFF HECTOR VARGAS TERREL FILE A CIVIL RIGHTS ACTION AGAINST THE DEFENDANT'S C/O. LT. LEEBOM, ET, AL., IN SCI-CAMPBELL PRISON, PLAINTIFF SUFFERED MENTAL HEALTH AND A HISTORY OF SUICIDE ATTEMPT AND SELF-MUTILATION AND RETALIATION BY THIS DEFENDANT'S C/O. K. MYERS ET, AL., WHEN THEY APPROCHED THE PLAINTIFF TO SPEAK WITH HIM. DEFENDANT'S C/O. K. MYERS ET, AL., START TO ASSAULT AND STRUCK PLAINTIFF ON HIS HEAD TO THE BACK OF HIS BACK "FIVE" TIMES NEARLY KNOCKING PLAINTIFF OUT ON CONCHES. DEFENDANT'S JUST LOOKED AND FAIL TO CORRECT OR CHASTISE DEFENDANT C/O. K. MYERS AS AS A RESULT OF THIS ASSAULT AND BATTERY, HERELY WARNING PLAINTIFF THAT "YOU KNOW WHAT YOU'VE GOT TO DO, TAKE CARE OF YOUR BUSINESS".



38.) A FEW WEEKS LATER, AFTER PLAINTIFF, HAD FILE A GRIEVANCE AGAINST DEFENDANT'S C/O, K. MYERS, ET, AL., FOR THE ABOVE INCIDENT. C/O, MYERS, ET, AL., KEEP VERBALLY HARASSING AND DESTROYING HIS MAIL AND BOOKS THAT HE ORDER IN THE MAIL, IN RETALIATION FOR PLAINTIFF, FILING OF GRIEVANCE ON THEM. DEFENDANT'S, C/O, K. MYERS, TOLD PLAINTIFF, THAT "HE WAS THE TYPE WHO LIKED TO FILE GRIEVANCES AND THAT IT DIDN'T MATTER IF VARGASTORRES, FILE A LAWSUIT BECAUSE VARGASTORRES, WASN'T GOING TO BE GETTING ANY MONEY AND THAT NOTHING WAS GOING TO BE DONE."

39.) THESE ACTS REPRESENT A PATTERN OF EVENTS DEMONSTRATING INTENTIONAL RETALIATION AGAINST PLAINTIFF HECTOR VARGASTORRES, BY THIS DEFENDANT'S C/O, K. MYERS, ET, AL., FOR FILING A GRIEVANCE AND REQUESTS TO SECURITY OFFICER'S LT. EBBELING AND A CIVIL RIGHT ACTION AND HAVE CAUSED PLAINTIFF, FURTHER MENTAL ANGUISH AS A RESULT TO THIS ASSAULT.

### VIII. CLAIMS FOR RELIEF

#### A. FAILURE TO PROTECT PLAINTIFF

40.) THE FAILURE OF DEFENDANT, C/O, B. A. OWNS, TO ACT ON HIS KNOWLEDGE OF A SUBSTANTIAL RISK OF SERIOUS HARM TO PLAINTIFF, VIOLATED HIS EIGHTH AMENDMENT RIGHTS TO BE FREE FROM DELIBERATE INDIFFERENCE TO HIS SAFETY.

41.) AS A RESULT OF DEFENDANT C/O, B. A. OWNS, FAILURE, PLAINTIFF WAS VICIOUSLY ASSAULTED AND RECEIVED SERIOUS PHYSICAL AND EMOTIONAL INJURIES.

#### B) DELIBERATE INDIFFERENCE OF THE BEATING AND ASSAULT ON PLAINTIFF BY DEFENDANT'S C/O, K. MYER, ET, AL.,

42.) THE FAILURE OF DEFENDANT'S C/O, K. MYERS, ET, AL., FOR THE FAILURE TO PROTECT OR TO TAKE STEP TO ENSURE THAT PLAINTIFF BE PROTECTED, DESPITE ITS KNOWLEDGE OF PLAINTIFF SERIOUS INJURIES, AND CONSTITUTED DELIBERATE INDIFFERENCE TO PLAINTIFF SERIOUS TO HIS PHYSICAL ASSAULT.



43) THE REFUSAL OF DEFENDANT, C/O. B. A. OWNS TO PROVIDE PROTECTION TO PLAINTIFF AS A RESULT OF PLAINTIFF, HAVING FILED A LAWSUIT AGAINST THEM FOR CONSTITUTED RETALIATION FOR PETITIONING GOVERNMENT FOR REDRESS OF GRIEVANCES AND THEREFORE VIOLATED THE FIRST AMENDMENT.

44) AS A RESULT OF DEFENDANT C/O. KIMYERS FAILURE, PLAINTIFF WAS VICIOUSLY ASSAULTED AND RECEIVED SERIOUS PHYSICAL AND EMOTIONAL INJURIES.

45) DEFENDANT'S CAPT. B. HARRIS AND MAJOR, SCOTT, WALTER, AND LT. WEYDEL BREACHED THAT DUTY BY FAILING TO PROVIDE PROTECTION WHEN PLAINTIFF, INFORMED HIM OF HIS FEAR OF BEING ASSAULTED AND SHOWED DEFENDANTS, THE DOCUMENTS ON REQUESTS AND GRIEVANCES SUPPORTING HIS FEAR.

46) THE BREACH OF DUTY RESULTED IN SERIOUS PHYSICAL AND EMOTIONAL INJURIES AND DAMAGES TO HIS HEAD AND HIS LEFT ARM.

47) THE BREACH OF THEIR DUTY PROXIMATELY CAUSED THOSE DAMAGES TO THE PLAINTIFF BY THEIR ASSAULTING AND BEATING HIM TOO.

## IX. RELIEF REQUESTED

WHEREFORE, PLAINTIFF REQUESTS THAT THIS COURT GRANT THE FOLLOWING RELIEF:

A) DECLARE THAT DEFENDANT C/O. B. A. OWNS, VIOLATED PLAINTIFF, EIGHTH AND FOURTEETH AMENDMENT RIGHTS WHEN HE FAILED TO PROTECT HIM, FROM A KNOWN RISK OF ASSAULT AND HE WAS SEVERELY ASSAULTED.

B) DECLARE THAT DEFENDANT'S C/O. MCCALLISTER, ET AL., DID VIOLATED PLAINTIFF, EIGHTH AND FOURTEETH AMENDMENT RIGHT TO PROTECT HIM FROM HARM.



- C) DECLARE THAT DEFENDANT'S CAPT. B. HARRIS, LT. WENDLE, LT. R. KISCHKO, DID VIOLATED PLAINTIFF EIGHT AND FOURTEETH AMENDMENT RIGHTS TO PROTECT PLAINTIFF FROM A ASSAULT.
- D) DECLARE THAT DEFENDANT'S C/O. K. MYERS, ET AL, DID VIOLATED PLAINTIFF FIRST AMENDMENT RIGHT NOT TO BE RETALIATED AGAINST FOR FILING A LAWSUITS.
- E) ISSUE AN INJUNCTION REQUIRING THAT DEFENDANT'S CAPT. B. HARRIS, ET AL, PROVIDE THE TRANSFER OF PLAINTIFF TO A DIFFERENT DEPARTMENT OF CORRECTIONS TO BE SAFE AND PROTECTED AS WELL.
- F) AWARD COMPENSATORY DAMAGES FOR PLAINTIFF, PHYSICAL AND EMOTIONAL INJURIES, AND PUNITIVE DAMAGES AGAINST EACH OF THE DEFENDANT'S CAPT. B. HARRIS, ET AL AND
- G) GRANT PLAINTIFF SUCH OTHER RELIEF AS IT MAY APPEAR PLAINTIFF, IS ENTITLED TO.

C) NEGLIGENCE FOR FAILURE TO PROTECT PLAINTIFF

- 43) DEFENDANT'S CAPT. B. HARRIS, ET AL, OWED PLAINTIFF, A DUTY OF REASONABLE CARE TO PROTECT HIM FROM ASSAULT BY STAFF OR OTHER PRISONERS AS IT IS BY LAW.
- 44) DEFENDANT'S LT. R. KISCHKO, LT. WENDLE, DID VIOLATED THE BREACH OF DUTY TO PROTECT PLAINTIFF, FROM DEFENDANT C/O. K. MYERS, ET AL FROM ALL ASSAULTING HIM WHEN HE WAS HAND CUFFED TO A POC/OBS BUNK FOR (7) DAYS 24 HOURS A DAY.
- 45) THIS DEFENDANT'S, CAPT. B. HARRIS, ET AL, DID FAILURE TO PROTECT THE PLAINTIFF, FROM BEING ASSAULTED WHILE IN THE POC/OBS IN MEDICAL AND FAIL TO DO SO AS BY D.O.C. POLICY AND THE LAW AS WELL.

46) A FEW WEEKS LATER, AFTER PLAINTIFF, HAD FILE A GRIEVANCE AGAINST DEFENDANT'S C/O. K. MYERS, ET. AL., FOR THE ABOVE INCIDENT. C/O. K. MYERS, ET. AL., KEEP VERBALLY HARASSING AND DESTROYING HIS MAIL AND BOOKS THAT HE ORDER IN THE MAIL, IN RETALIATION FOR PLAINTIFF FILING OF THE GRIEVANCE ON THEM. DEFENDANT'S C/O. K. MYERS, TOLD PLAINTIFF THAT "HE" WAS THE TYPE WHO LIKED TO FILE GRIEVANCES AND THAT IT DIDN'T MATTER IF VARGAS TORRES, FILE A LAWSUIT BECAUSE VARGAS TORRES, WASN'T GOING TO BE GETTING ANY MONEY AND THAT NOTHING WAS GOING TO BE DONE."

47) THESE ACTS REPRESENT A PATTERN OF EVENTS DEMONSTRATING INTENTIONAL RETALIATION AGAINST PLAINTIFF HECTOR VARGAS TORRES, BY THIS DEFENDANT'S C/O. K. MYERS, ET. AL., FOR FILING A GRIEVANCE AND REQUESTS TO SECURITY OFFICER'S LT. EEBLING AND A CIVIL RIGHT ACTION AND HAVE CAUSE PLAINTIFF, FURTHER MENTAL ANGUISH AS A RESULT TO THIS ASSAULT.

### VIII. RELIEF REQUESTED

WHEREFORE, PLAINTIFF HECTOR VARGAS TORRES, REQUESTS THAT THIS COURT GRANT THE FOLLOWING RELIEF:

A) DECLARE THAT DEFENDANT C/O. B. C. OWMS, VIOLATED PLAINTIFF FORTH, EIGHTH AND FOURTEEN AMENDMENT RIGHTS WHEN HE FAIL TO PROTECT HIM FROM A KNOWN RISK OF ASSAULTS AND HE WAS SEVERELY ASSAULT. HE IS HELD LIABLE FOR HIS ACTION OR FAILURE TO PROTECT;

B) DECLARE THAT DEFENDANT C/O. MCCALLISTER, VIOLATED PLAINTIFF FORTH, EIGHTH AND FOURTEEN AMENDMENT, WHEN HE SEEN AND FAIL TO PROTECT PLAINTIFF FROM A KNOWN RISK OF ASSAULT AND HE WAS SEVERLY ASSAULT. HE IS HELD LIABLE FOR HIS ACTION OR FAILURE TO PROTECT;

C) DECLARE THAT DEFENDANT LT. WENDLE, VIOLATED PLAINTIFF FORTH, EIGHTH AND FOURTEEN AMENDMENT RIGHTS WHEN HE SEEN AND FAIL TO PROTECT PLAINTIFF, FROM A KNOWN RISK OF ASSAULT AND HE WAS SEVERALLY ASSAULTED HE IS HELD LIABLE FOR HIS ACTION OR FAILURE TO PROTECT;

E) DECLARE THAT DEFENDANT C/O. K. MYERS, ET AL., VIOLATED PLAINTIFF FIRST, EIGHTH EIGHTH AND FOURTEEN AMENDMENT RIGHTS FOR THE RETALIATION AGAINST PLAINTIFF FOR FILING A LAWSUIT ON OTHER CORRECTIONAL OFFICER'S AT A DEFERENT STATE PRISON,

F) ISSUE AN INJUNCTION ORDER REQUERING THAT THIS DEFENDANT'S C/O. K. MYERS, ET AL., STAY AWAY FROM PLAINTIFF AND TO HAVE NO CONTACT WITH HIM AS ORDERED BY THE COURTS.

G) AWARD COMPENSATORY DAMAGE FOR PLAINTIFF PHYSIOAL AND EMOTIONAL INTURIES, AND PUNITIVE DAMAGE AGAINST EACH DEFENDANT C/O. K. MYERS, ET AL., AND,

H) GRANT PLAINTIFF HECTOR VARGAS TORRES, SUCH OTHER RELIEF AS IT MAY APPEAR TO PLAINTIFF IS ENTITLED TO.

I) AWARD PUNITIVE DAMAGES IN THE FOLLOWING AMOUNTS:

1) \$100,000 JOINTLY AND SEVERALLY AGAINST DEFENDANT'S C/O. K. MYERS, ET AL., FOR THE PHYSICAL AND EMOTIONAL INTURIES SUSTAINED AS A RESULT OF THE PLAINTIFF BEING ASSAULTED AND BEATING.

2) \$50,000 JOINTLY AND SEVERALLY AGAINST DEFENDANT'S LT. WENDLE AND LT. R. CISCHKO, FOR THE PUNISHMENT, INCLUDING DEPRIVATION OF LIBERTY AND AMENITY AND EMOTIONAL INTURIES RESULTING FROM THEIR DENIAL OF DUE PROCESS IN CONNECTION WITH THE PLAINTIFF BEEN ASSAULTED.

3) \$30,000 JOINTLY AND SEVERALLY AGAINST DEFENDANT'S LT. WENDLE, LT. R. CISCHKO, C/O. MCCALLISTER, C/O. B. A. OWNS, FOR THE PHYSICAL AND EMOTIONAL INTURIES RESULTING FROM THEIR FAILURE TO PROTECT THE PLAINTIFF.

J) AWARD COMPENSATORY DAMAGES IN THE FOLLOWING AMOUNT:

1) \$20,000 EACH AGAINST DEFENDANT'S C/O. K. MYERS, C/O. B. A. OWNS, C/O. MCCALLISTER, LT. WENDLE AND LT. R. CISCHKO / AP. B. HARRIS,

2) \$60,000 EACH AGAINST DEFENDANT'S LT. WENDLE AND LT. C. HARRIS

3) \$80,000 EACH AGAINST DEFENDANT'S C/O. K. MYERS, C/O. B. A. GUNNS,  
C/O. MCCALLISTER, LT. WENDLE AND LT. C. HARRIS, CAP. R. HARRIS

K) GRANT SUCH OTHER RELIEF AS IT MAY APPEAR THAT  
PLAINTIFF IS ENTITLED TO.

PURSUANT TO 28 U.S.C. § 1746 I DECLARE UNDER  
PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND  
CORRECT.

DATED: OCTOBER 22, 2017

PRO-SE

HECTOR VARGAS TORRES

# JT-1711

1100 PIKE ST

HUNTINGDON, PA 16654-1112



UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF PENNSYLVANIA

HECTOR VARGAS TORRES  
VS.

C/O. K. MYERS  
C/O. B. A. OWNS  
C/O. MCCALLISTER  
LT. WENDLE  
LT. R. CISKO  
CAP. E. HARRIS

CIVIL ACTION RIGHT NOW \_\_\_\_\_

JUDGE: \_\_\_\_\_

JURY TRIAL DEMANDED

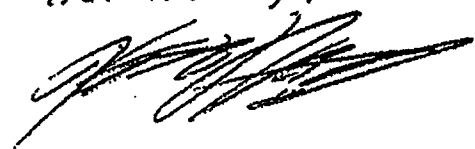
VERIFICATION

I HAVE READ THE FORGOING COMPLAINT & ORDER TO SHOW CAUSE FOR  
PRELIMINARY INJUNCTION ORDER AND TEMPORARY RESTRAINING ORDER, AND  
HEREBY VERIFY THAT THE MATTERS ALLEGED THEREIN ARE TRUE, EXCEPT  
AS TO MATTER ALLEGED ON INFORMATION AND BELIEF. AND AS TO THOSE  
I BELIEVE THEM TO BE TRUE. I CERTIFY UNDER PENALTY OF PERJURY  
THAT THE FORGOING IS TRUE AND CORRECT.

EXECUTED AT SCI - HUNTINGDON ON OCTOBER 22, 2017

PRO-SE

HECTOR VARGAS TORRES  
# JT-1711  
SCI - HUNTINGDON  
1100 PIKE ST  
HUNTINGDON, PA. 16854-1112



UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF PENNSYLVANIA

HECTOR VARGAS TORRES  
VS.

C/O. K. MYERS  
C/O. B. A. OWNS  
C/O. MCCALLISTER  
LT. WENDLE  
LT. CISCHKO  
CAP. B. HARRIS

CIVIL ACTION RIGHT NOT#! \_\_\_\_\_

JUDGE: \_\_\_\_\_

DECLARATION IN SUPPORT OF PLAINTIFF MOTION FOR  
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

HECTOR VARGAS TORRES STATES:

- 1) I AM THE PLAINTIFF IN THIS CASE. I MAKE THIS DECLARATION IN SUPPORT OF MY MOTION FOR A TEMPORARY RESTRAINING ORDER AND A PRELIMINARY INJUNCTION TO ENSURE THAT I RECEIVE NECESSARY MEDICAL CARE.
- 2) AS SET FORTH IN THE COMPLAINT IN THIS CASE, I WAS ASSAULTED BY C/O. K. MYERS, ON APRIL 18, 2017. DURING THE ASSAULT, ONE OF DEFENDANT C/O. K. MYERS, SLAMMED MY HEAD TO THE BACK OF THE BUNK WHILE I WAS HANDCUFFED TO A BUNK IN THE "POC" CELL NO# 3 WHICH IS A CAMERA CELL.
- 3) I WAS HANDCUFFED TO THE "POC" BUNK FOR SEVEN DAYS WITH NO ACCESS TO THE RESTROOM OR WATER DRINKING DO TO THAT I WAS TO BE HANDCUFFED TO THE BUNK FOR SLOWING A RAZOR AND FORCE TO SLEEP LIKE THAT AS WELL AS A PUNISHMENT.
- 4) PLAINTIFF, TOLD CAPTAIN B. HARRIS, OF THIS ASSAULT BY C/O. K. MYERS, AND MAYOR. WALTER AND SECURITY AS WELL AND NO ONE BELIEVE MY ALLIGATION THIS CHAPTAIN. HARRIS, "SAID TO ME I SEEN THE VIDEO AND EVERYTHING YOU SAID IT'S A LIE DONT SAY I TOLD YOU THIS AND YOU DID NOT HEAR THIS FROM ME".

5) PLAINTIFF WAS DENIAL MEDICAL TREATMENT FOR HIS INJURIES AND AS TO BE TREATED AS WELL DO TO IN HIGH RISK TO HIS HEALTH AND SAFETY TO HIS HEALTH ON HIM.

6) ON INFORMATION AND BELIEF, I HAVE NOT BEEN PROVIDED WITH PHYSIOLOGICAL MENTAL HEALTH EVALUATION BECAUSE IS AN INFORMAL POLICY AT SCI-HUNTINGDON, TO GIVING LOW PRIORITY TO THE MEDICAL NEED OF SEGREGATION INMATES AND OF REFUSING TO PROVIDE THEM WITH MEDICAL CARE OUTSIDE THE PRISON UNLESS THEIR MEDICAL CONDITION IS A LIFE-THREATENING.

7) WHEN PLAINTIFF WAS ASSAULTED BY C/O. K. MYERS, PLAINTIFF BROKE OF THE HANDCUFFED RESTRAINING AND WAS FORCE TO A RESTRAINTING CHAIR FOR THAT, BECAUSE I WANTED TO REPORT THIS OFFICER ACTIONS.

8) DEFENDANT'S C/O. B. A. OWENS, C/O. MCCALLISTER, LT. WENDLE AND LT. CISCO, DID WHAT THIS OFFICER K. MYERS DID TO ME ON THE "POC" CELL, AS HE ASSAULTED TWO DIFFERENT TIME ONE WAS AT 6:00 AM OR 6:30 AM, AND THE SECOND WAS AT 8:00 AM OR 8:30 AM, AGAINST ME AND THIS INDIVIDUAL DID NOTHING TO STOP HIM.

9) PLAINTIFF HECTOR VARRAS TORRES, FILE A GRIEVANCE ABOUT THIS ASSAULT AND ABUSE ALLIGATION, AND WROTE LETTERS TO JOHN WETZEL SECURITY OF CENTRAL OFFICE AND SHERLEY MOORE THE MIDDLE DISTRICT REGION DEPUTY THE OFFICE OF SPECIAL OF INTELLIGIONS OF INVESTIGATION, THE ABUSE NETWORK AND THE PREA COORDINATOR, MAYOR. WALTER, AND THE SECURITY OFFICE AS WELL, AND STATED THAT HE WANTS ADMINSTRATED SEPERATION ON THIS OFFICER, K. MYERS AND HIS CO-CONSPIRED.

10) TOGETHER, THESE DEFENDANT'S C/O. K. MYERS, ET AL., ARE RESPONSIBLE FOR NOT PROTECTING THE PLAINTIFF OF THE ASSAULT AND ATTACK BY C/O. K. MYERS, AND THE ABILITY FOR NOT SEPERATING THIS OFFICER FROM THE PLAINTIFF, DO TO THAT PLAINTIFF IS IN THE RESTRICTED HOUSING UNIT UNTIL JUNE 17, 2018 OF HIS DC-TIME.

11) FOR THE REASON SET FORTH IN THE MEMORANDUM OF LAW FILED WITHIN THIS MOTION, THE PLAINTIFF IS ENTITLED TO A FULL RESTRAINING ORDER REQUIRING THIS DEFENDANT'S TO STAY AWAY FROM THE PLAINTIFF HECTOR VARGASTORRES, AND TO FOLLOW ALL COURT ORDERS BY THE JUDGE, TO THIS PRELIMINARY INTUNCTION TO THE DEFENDANT'S C/O. K. MYERS, ETAL, TO CARRY OUT ALL ORDER OF THE COURTS.

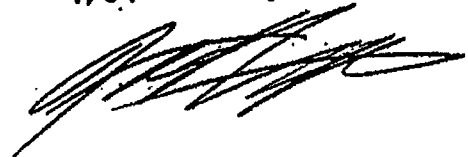
12) FOR THE FOREGOING REASONS, THE COURT SHOULD GRANT THE PLAINTIFF HECTOR VARGASTORRES, MOTION IN ALL RESPECTS.

PURSUANT 28 U.S.C. §§ 1746, I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: OCTOBER 22, 2017

PRO - SE

HECTOR VARGASTORRES  
# JT - 1711  
SOI - HUNTINGDON  
110 SPIKE ST  
HUNTINGDON, PA. 16854-1112





UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF PENNSYLVANIA

HECTOR VARGAS TORRES

VS.

C/O. K. MYERS

C/O. B. A. OWNS

C/O. MCCALLISTER

LT. WENDLE

LT. CISCHKO

CAPT. HARRIS

CIVIL ACTION RIGHTS NO# \_\_\_\_\_

JUDGE: \_\_\_\_\_

AFFIDAVIT OF PLAINTIFF

AFFIDAVIT OF HECTOR VARGAS TORRES

I, HECTOR VARGAS TORRES, BEING DULY SWORN ACCORDING TO THE LAW  
DEPOSE AND SAY THAT I AM THE PLAINTIFF IN THE ABOVE ENTITLED  
PROCEEDING CASE AND STATE AS FOLLOWING:

- 1) I AM THE PLAINTIFF IN THE ABOVE PROCEEDING CASE.
- 2) PLAINTIFF HECTOR VARGAS TORRES, DID WRITE THIS COMPLAINT OUT  
TO THE BEST OF HIS KNOWLEDGE AND BELIEF.
- 3) I ALLEGED THAT THE STATEMENTS IN MY COMPLAINT & ORDER TO  
SHOW CAUSE FOR PRELIMINARY INJUNCTION ORDER AND TEMPORARY  
RESTRAINT ORDER ARE TRUE AND CORRECT.
- 4) PLAINTIFF MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF MOTION  
FOR A FULL OR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION  
ARE TRUE & CORRECT.
- 5) PLAINTIFF STATEMENTS ON HIS COMPLAINT ARE TRUE TO WHAT  
HAPPEN TO HIM WHILE IN CORRECTION IN THE DEPARTMENT OF  
SCI - HUNTINGDON.

6) PLAINTIFF, HECTOR VARGAS TORRES, PRAY THAT THE COURTS WILL GRANT HIS RESTRAINING TEMPORARY ORDER TO PROTECT HIM FROM FURTHER RETALIATION BY THIS DEFENDANT'S.

7) THIS AFFIDAVIT IS TO ENFORCE PLAINTIFF COMPLAINT AND THE ORDER TO SHOW CAUSE OF HIS TEMPORARY RESTRAINING ORDER AS WELL AND STATES THAT EVERY IS TRUE AND CORRECT TO HIS KNOWLEDGE AND BELIEF.

8) IN SUPPORT TO HIS COMPLAINT IS ATTACHED, EXHIBIT (A) OF COPY'S OF REQUEST OF PERSON PLAINTIFF CONTACTED.

9) IN SUPPORT TO HIS COMPLAINT IS ATTACHED, EXHIBIT (B) LETTERS TO PEOPLE PLAINTIFF WROTE TO ABOUT HIS COMPLAINT.

10) IN SUPPORT TO HIS COMPLAINT IS ATTACHED, EXHIBIT (C) COPY'S OF HIS GRIEVANCE, INITIAL REVIEW RESPONSE, APPEAL TO THE FACILITY MANAGER, AND APPEAL TO CENTRAL OFFICE AND THE LAST APPEAL DECISION FROM CENTRAL OFFICE AS PROVE.

11) PLAINTIFF HECTOR VARGAS TORRES DO STATES THAT THE FORGOING STATEMENT ARE TRUE AND CORRET TO HIS ABILITY AND KNOWLEDGE AND BELIEF.

ALL OF THE INFORMATION I HAVE SUBMITTED IN SUPPORT OF MY CASE & COMPLAINT & ORDER TO SHOW CAUSE, IS TRUE AND CORRECT.

SWORN TO BEFORE ME THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

  
SIGN HERE BEFORE NOTARY PUBLIC

REFUSE TO SIGN  
NOTARY PUBLIC

UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF PENNSYLVANIA

HECTOR VARGAS TORRES

vs.

C/O K. MYERS  
C/O B.A. OWNS  
C/O MCCALLISTER  
LT. WENDLE  
LT. CISCENKO  
CAP. B. HARRIS

CIVIL ACTION RIGHTS NO# \_\_\_\_\_

JUDGE \_\_\_\_\_

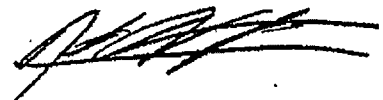
AFFIDAVIT OF PLAINTIFF OF  
VERIFICATION OF NOT BEING  
ABLE TO SIGN BY A PUBLIC  
NOTARY.

VERIFICATION

I DECLARE THAT I HAVE NOT BEEN ABLE TO HAVE THIS AFFIDAVIT OF PLAINTIFF COMPLAINT & ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION ORDER AND TEMPORARY RESTRAINING ORDER, NOTARIZED ACCORDING TO LAW BECAUSE THE LIBRARIAN STAFF REFUSE TO SIGN IT FOR ME AND DATE AS WELL NOTARIZED. I THEREFORE DECLARE UNDER PENALTY OF PERJURY THAT ALL OF THE STATEMENTS MADE IN THIS COMPLAINT & ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION ORDER AND TEMPORARY RESTRAINING ORDER, ARE BOTH TRUE OF MY OWN KNOWLEDGE, AND I PRAY LEAVE OF THE COURTS TO ALLOW THIS AFFIDAVIT, TO BE FILED WITHOUT NOTARIZATION ON THE PLAINTIFF BEHALF.

DATED: OCTOBER 22 2017

PRO-SE  
HECTOR VARGAS TORRES  
# JT-1711  
SCE - HUNTINGDON  
1100 PIKE ST  
HUNTINGDON, PA-16854-1112



UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF PENNSYLVANIA

HECTOR VARGAS TORRES  
vs.

C/O. K. MYERS  
C/O. B.A. OWNS  
C/O. MCCALLISTER  
LT. WENDLE  
LT. CISCHKO  
CAP. B. HARRIS

CIVIL RIGHT ACTION NO#1 \_\_\_\_\_

JUDGE: \_\_\_\_\_

JURY TRIAL DEMANDED

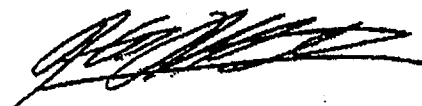
VERIFICATION

I HAVE READ THE FOREGOING COMPLAINT & ORDER TO SHOW  
CAUSE FOR PRELIMINARY INJUNCTION ORDER AND TEMPORARY  
RESTRAINING ORDER. AND HEREBY VERIFY THAT THE MATTER'S ALLEGED  
THEREIN ARE TRUE, EXCEPT AS TO MATTER ALLEGED ON INFORMATION  
AND BELIEF. AND AS TO THOSE I BELIEVE THEM TO BE TRUE. I CERTIFY  
UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND  
CORRECT.

EXECUTED AT SCI - HUNTINGDON ON OCTOBER 22, 2017.

PRO-SE

HECTOR VARGAS TORRES  
# JT-1711  
SCI - HUNTINGDON  
1100 PIKE ST  
HUNTINGDON, PA. 16854-1112

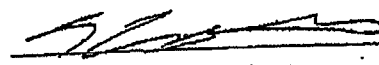


EXHIBIT(A)

COPY'S OF REQUESTS  
FORM ARE ATTACHED

AS EVIDENCE OF PROOF

TO SECURITY OFFICE.

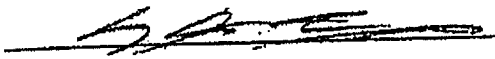
Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) CONNIE GREEN		2. Date: 4-26-17	
3. By: (Print Inmate Name and Number) Hector Vargas Torres JT-1711 		4. Counselor's Name MICHAEL ADAM	
Inmate Signature		5. Unit Manager's Name <del>THOMAS ADAMS</del>	
6. Work Assignment None		7. Housing Assignment READ - DB 1002	
8. Subject: State your request completely but briefly. Give details. I TALKED TO MAYOR WALTER ABOUT THE FILING THIS GRIEVANCE I WAS DISCHARGE OF THE POC ON 4-18-17 BUT WAS HOUSED THEIR FOR SECURITY SEPARATION ON A STAFF ASSAULT ON ME, I GOT MOVED TO READ - D AND GIVEN ALL MY PROPERTY TO FILE THIS GRIEVANCE OF ABUSE AND ASSAULT CAN YOU FILE IT FOR ME IT'S NOT OVER THE "15" DAY'S IS ANYTHING TALK TO MAYOR WALTER,			
THANK YOU			
9. Response: (This Section for Staff Response Only)			
To DC-14 CAR only <input type="checkbox"/>			
To DC-14 CAR and DC-15 IRS <input type="checkbox"/>			

Staff Member Name \_\_\_\_\_

Print

/ \_\_\_\_\_ Sign

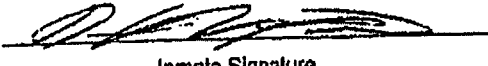
Date \_\_\_\_\_


Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <u>OFFICER ASSAULT DIVISION</u>		2. Date: <u>4-25-17</u>	
3. By: (Print Inmate Name and Number) <u>MAVOR, WALTER</u> <u>12626 Vurgis, 1057-17</u>  Inmate Signature		4. Counselor's Name <u>M. ADAM</u>	
		5. Unit Manager's Name <u>?</u>	
6. Work Assignment <u>WVNR</u>		7. Housing Assignment <u>REAR DE - 1002</u>	
8. Subject: State your request completely but briefly. Give details. <u>ON 4-24-17 AROUND 9:00AM AND 9:45AM I TALKED TO YOU</u> <u>ABOUT THIS ALLEGATION OF ABUSE ASSAULT THAT S/A. MYER DID</u> <u>ASSAULT ME WHEN I WAS CUEED TO THE 'POC' BED BY SLAMMING</u> <u>MY HEAD TO THE BACK OF THE BED FIVE TIMES IT'S ALL ON CAMERA</u> <u>AND THE LT. THAT WAS THERE SAW THE HOLD THING AND HIS OTHER</u> <u>OFFICERS AND DID NOTHING TO STOP HIM AT ALL, AFTER HE GOT DONE</u> <u>THEY ALL LEFT MY AND I BOKK THE HAND CUFF TO GET A CAP</u> <u>OR OFFICERS FROM FURRY TO TALK AND I TALK TO CAPTAINS</u> <u>WHICH HE DENIES ALL MY ALLEGATIONS AS NOT BEEN TRUE,</u> <u>ALSO I'LL BE CONTACTING CENTRAL OFFICE, OFIT, BOE AND SHARRY MOORE</u> <u>ET.</u> <u>INMATE'S</u> <u>AGREIVANCE IS FILE ADWELL</u> <u>WELL.</u>			
9. Response: (This Section for Staff Response Only)			
To DC-14 CAR only <input type="checkbox"/>			
To DC-14 CAR and DC-15 IRS <input type="checkbox"/>			

Staff Member Name \_\_\_\_\_ / \_\_\_\_\_ Date \_\_\_\_\_  
Print Sign



GA 1015

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
<b>A115</b> ABUSE & ASSAULT ALLEGATION			
1. To: (Name and Title of Officer)	2. Date:		
SECURITY OFFICER	4-25-17		
3. By: (Print Inmate Name and Number)	4. Counselor's Name		
Hector Vargus Torres JT-1711	MC. ADAM		
 Inmate Signature	5. Unit Manager's Name		
	?		
6. Work Assignment	7. Housing Assignment		
NONE	READ DB-1002		
8. Subject: State your request completely but briefly. Give details.			
ON THE ABOVE DATE 4-18-17 AROUND THIS TWO HOURS 6:00AM OR 7:00AM AND 8:00AM AND 8:10AM I WAS ASSAULTED BY C/O. MYER WHEN I WAS HAND CUFFED TO THE "POC" BED THIS OFFICER DID ASSAULT ME BECAUSE HE HURTED MY HAND THAT WAS CUFFED UP TO THE BED. THIS IS A RETALIATION AND A 9TH AMENDMENT RIGHT VIOLATION OF DC PROC TO FAILURE TO PROTECT AS WELL, I WANT TO PUT A MINISTRATION SEPERATION ON C/O. MYER AND OR FOR ME TO BE TRANSFER OUT OF THIS PRISON AS WELL, ALSO I TALK TO MR. GESS. MAYOR WALTER, CAP HARRIS AND NO INVESTIGATION BEYOND ABOUT THIS MATTER. AT ALL. YOU GET 5 WORKING DAYS TO ANSWER THIS REQUEST THANK YOU.			
I GOT ACCESS FOR MY OWN FILE.			
9. Response: (This Section for Staff Response Only)			
Your allegations are being addressed.			
To DC-14 CAR only <input type="checkbox"/> To DC-14 CAR and DC-15 IRS <input type="checkbox"/>			

 Staff Member Name LT. CASALINO 1  Date 4-27-17





# EXHIBIT (B)

COPY'S OF REQUESTS FORM  
TO MAYOR. SCOTT. WATER  
AS PROOF OF EVIDENCE.

Form DC-135A

## INMATE'S REQUEST TO STAFF MEMBER

Commonwealth of Pennsylvania  
Department of Corrections

## INSTRUCTIONS

Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.

1. To: (Name and Title of Officer)

MAYOR WALTER

2. Date:

4-30-17

3. By: (Print Inmate Name and Number)

Dexter Vargas Torres JT-171

4. Counselor's Name

?

5. Unit Manager's Name

?

6. Work Assignment

NONE

7. Housing Assignment

GA-113

8. Subject: State your request completely but briefly. Give details.

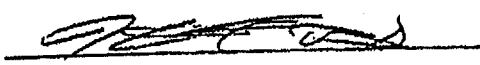
MAYOR, WALTER I WOULD LIKE TO KNOW HOW I GOT MOVED ON 4-26-17 AT 2:00PM BACK TO G/BLOCK WHEN YOU ORDER FOR ME STAY ON REAR DB-1012 DUE TO MYER ASSAULTED ME WHEN I WAS ON THE 'POC' CELL, AND THEY GOT ME HERE ON G/BLOCK WITH THIS CHARGES ONE OF US GOT TO GET MOVED UNTIL THE INVESTIGATION IS OVER AND I WANT THIS OFFICER MYER TO BE REMOVED OF G/BLOCK CAN YOU HELP ME OUT ON THIS MATTER. THANK YOU.

YOU GOT (5) WORK DAYS TO ANSWER THIS REQUEST BACK AS POLICY STATES.

9. Response: (This Section for Staff Response Only)

To DC-14 CAR only ☐To DC-14 CAR and DC-15 IRS ☐Staff Member Name \_\_\_\_\_ / \_\_\_\_\_ Date \_\_\_\_\_  
Print Sign

A1013

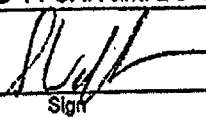
Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) MAYOR, WALTER		2. Date: 4-30-17	
3. By: (Print Inmate Name and Number) <del>Victor Vargus Torres</del>  Inmate Signature		4. Counselor's Name ? 5. Unit Manager's Name ?	
6. Work Assignment NONE		7. Housing Assignment B-10A-117	
8. Subject: State your request completely but briefly. Give details. MAYOR WALTER, I WOULD LIKE TO KNOW HOW I GOT MOVED ON 4-26-17 AT 7:00 PM BACK TO G/BLOCK WHEN YOU ORDER FOR ME TO STAY ON REAR DR-100% DUE C/O MYERS ASSAULTED ME WHEN I WAS ON THE 'TOC' CELL, AND THEY GOT ME HERE ON G/BLOCK WITH THIS C/O MYERS ONE OF US GOT TO GET MOVED UNTIL THE INVESTIGATION IS OVER AND I WANT THIS OFFICER MYERS TO BE REMOVED OF G/BLOCK CAN YOU HELP ME OUT ON THIS MATTER. THANK YOU YOU GOT(S) WORKING DAYS TO ANSWER THIS RESQUES BACK AS POLICY STATES			
9. Response: (This Section for Staff Response Only)  I was off for a week I had you moved for several days to get your mind right. I'll be around on Friday to talk to you.			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input checked="" type="checkbox"/>	

Staff Member Name

Print

Seth Walker

Sign



Date

5-9-17

EXHIBIT (C)

COPY'S OF ALL LETTERS  
TO PEOPLE THAT PLAINTIFF  
CONTACTED AS PROOF OF  
EVIDENCE.

THE TIMES-TRIBUNE

TO WHO IT MAY CONCERN

5-70 12

①

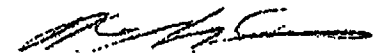
I'M WRITING YOU THIS LETTER TO INFORM YOU THAT I WAS PHYSICAL ASSAULT WHILE I WAS HAND CUFFED TO THE POOLERS BED BY C/O. K. MYERS. I WROTE LETTERS TO CENTRAL OFFICE, TO THOMAS WOLF THE GOVERNOR, FIVE GRIEVANCE AND REQUESTS ASKING FOR ADMINISTRATION SEPERATION ON THIS OFFICER'S THAT WERE ALSO INVOLVED ARE C/O. B. A. OWNS, LT. WENDLE, LT. CISCHKO, LT. CULBERT, C/O. DARGER, RMI LYNCH, L. P. WAGMAN, WHERE ALL PRESENT AND C/O. MCALLISTER. INMATE. THOMAS WOODS WAS WAS THERE TO WITNESS THE ASSAULT ON ME FROM THIS OFFICERS. I FEAR FOR MY LIFE BEING AROUND THIS PEOPLE I UNDERLINE HERE FOR YOU STILL THIS OFFICER'S WORKS IN THE "RHU" WHERE I'M HOUSED IN 24/7 DAY A WEEK I ASK FOR A TRASFER TO NO USE. AT ALL I'M ASKING FOR YOUR HELP ON THIS MATTER I' SEEN OTHER INMATES BEING ASSAULT BY THIS OFFICERS AS WELL THE ONE'S IN THE "DTU" PROGRAM AS WELL. PLEASE WRITE BACK OR HELP ME OUT TO GET OFF THIS PRISON TO A BETTER PRISON I BEING IN THE "RHU" FOR 7 YEARS NOW AND THIS OFFICES ARE WRITING LIE MISCONDUCTS OF ME TO KEEP ON THE "RHU" FOR LIFE.

PLEASE HELP.

THANK YOU

TO: THE TIMES-TRIBUNE  
179 PENN AVE  
SCRANTON, PA. 18503  
570-348-9100

HECTOR VARGAS TORRES  
# JT-1711  
SCI - HUNTINGDON  
1100 PIKE ST  
HUNTINGDON, PA. 16834



WASHINGTON, DC.

S-T-17

TO WHO IT MAY CONCERN

①

I am writing to you this letter to inform you that I was  
 PHYSICAL ASSAULT while I was in handcuffed to the police and  
 RE C/O. H. MYERS I wrote letter to central office, to THOMAS WOLF  
 THE GOVERNOR, FIDELITY AND REQUESTS ASKING FOR ADMINISTRATED  
 SEPARATION ON THIS OFFICER'S THAT WERE ALSO INVOLVED ARE C/O. T. A. OWENS  
LT. WEWLE, LT. CULBERT, C/O. BARRON, KN. LYNCH, LP. WAGNER,  
 WHERE ALL PRESENT AND C/O. McALLISTER. IN THE THOMAS WOLF WAS THERE  
 TO WITNESS THE ASSAULT ON ME FROM THIS OFFICERS. I FEAR FOR LIFE  
 BEING BROUGHT THIS PEOPLE I UNDERLINE HERE FOR YOU STILL THIS  
 OFFICERS WERE IN THE RHU WERE I'M HOUSED IN 24/7 DAY A WEEK  
 I ASK FOR A TRANSFER TO NO USE AT ALL I'M ASKING FOR YOUR HELP  
 ON THIS MATTER. I SEE OTHER INMATES BEING ASSAULT BY THIS  
 OFFICERS AS WELL THE ONE IN THE "DTU" PROGRAM AS WELL.  
 PLEASE WORK BACK OR HELP ME OUT TO GET OFF THIS PRISON. A  
 BEHIND PRISON I AM IN THE RHU (7) YEARS NOW AND THIS OFFICER  
 ARE WORKING LIKE M. SCOTLAND ON ME TO KEEP IN THE RHU FOR LIFE.  
 I WANT TO PUT THIS MATTER ON PUBLIC NEWS PAPER AND THE INTERNET  
 AS WELL FOR PEOPLE TO SEE. PLEASE.

THANK YOU.

TO: U.S. DEPARTMENT OF JUSTICE  
 CIVIL RIGHTS DIVISION

601 D ST. N.W.,  
 WASHINGTON, D.C. 20579

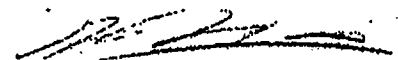
DIRECTOR, U.S. DEPT. OF JUSTICE

H J T-1711

SCT. - HUNTINGDON

1100 N. 100 ST

HUNTINGDON, PA. 16654 11/2





# KING-2017-C78-019

DEAR JAMES C. BARNACLE ①

5-18-17

I'M IN RECEIVED OF YOUR LETTER STATING THAT  
 YOU RECEIVED MY LETTERS, I'M AHEAD IN CONCERN ~~26~~  
 THAT YOU SAID THAT YOU RECEIVE A CORRESPONDENCE FROM  
 THE SECRETARY'S OFFICES ON MAY 1 AND MAY 10, 2017, I NEVER  
 HEAR BACK FROM THAT OFFICES THAT I WROTE TO, ALSO  
 I WOULD LIKE ADDRESS TO YOU THAT YOU STATED THAT  
 THE INVESTIGATION IS NOT COMPLETE AT THIS TIME, WELL  
 MY ISSUE IS THAT I ASK TO BE SEPERATED FROM THIS  
 YOK, MYERS, THAT ASSAULTED ME WHEN I WAS ON  
 THE POC/OBS CELL #1, I STATED ON MY LETTERS  
 THAT I WANTED A SEPERATION OF ADMINISTRATION FROM  
 THIS C/O MYERS, AS D.O.C. POLICYS STATES THAT  
 WHEN THERE IS A INVESTIGATION ON TWO PEOPLE <sup>ASSAULT</sup> THEY  
 GOT TO BE SEPERATED FROM EACH OTHER, UNTIL THIS  
 DAY 5-18-17 I HAVE NOT SEEN NO BODY FROM THE  
 SECURITY OFFICE AT ALL, ALSO I WROTE A REQUEST  
 TO MAYOR SCOTT, WALTER, AND SPOKE WITH HIM ON  
 APRIL 24, 2014 <sup>ON THE POC</sup> THAT I WANTED A ADMINISTRATION  
 SEPERATION ON YOK, MYERS, HE PUT ME ON READ  
 D.B. 1002 ON APRIL 24, 2017 ON APRIL 26, 2017 AT  
 7:00 PM. I WAS PUT ON THE G/BLOCK R.H.U. <sup>MOVE AND</sup>  
 AGAIN WHEN THIS C/O K. MYERS WORKS THERE  
 EVERY DAY FROM 6-2 AM. SHIFT IN THE MORNING  
 TIME SO WHY DO HE GOT TO BE CLOSE TO ME  
 I WANT TO BE SEPERATED AND FOR THIS  
 CHAPTIAN THAT TOLD ME THAT <sup>HE SEEN</sup> THE VIDEO <sup>ONLY</sup>  
 SHOW NOTHING AT ALL OF THE ASSAULT. THIS PEOPLE  
<sup>THAT I WROTE ON MY SHIRTS ABOUT</sup>



5-23-17

DEAR THOMAS W. WOLF

①

I'M WRITTING YOU THIS LETTER TO INFORM YOU THAT I AM A MENTAL HEALTH INMATE IN SCI-HUNTINGDON. I WAIT A LITTLE TO THE HOSPITAL DATED THAT I SLOWED A RAZOR, I CAME BACK FROM THE HOSPITAL AROUND 8:30 AM AND WAS PUT ON A SMOCK AND ON THE "POC" CELL HANDCUFFED TO THE BED FOR "SEVEN" DAYS AS A TOWARD REACHED TOWARDS MY HEALTH I WAS FORCED TO SLEEP LIKE THAT AND GIVEN NO SHOWER AS WELL ON 4-18-17 AROUND 8:00 AM I WAS ASSAULTED BY C/O K. MYERS ON THE "POC" CELL I WAS HANDCUFFED TO THE BED AGAIN AT 8:00 OR 8:10 AM THIS C/O K. MYERS CAME INTO THE "POC" CELL AND ASSAULT ME SECOND TIME YOUR STAFF IN SCI-HUNTINGDON LIKE ONE CAPTAIN TOLD THAT HE SEEN THE VIDEO AND NOTHING HAPPEN LIKE I SAID IT DID. THIS PEOPLE ARE TEMPERING WITH VIDEO EVIDENCE TOWARDS MY ALLIGATIONS THAT I FILE ON THIS OFFICER, K. MYER, ET AL, SEE "POC" VIDEO AND YOU WILL SEE THAT THIS OFFICER SLAPPED MY HEAD "FIVE" TIMES TOWARDS THE BACK OF THE BED AND NO ONE STOPPED HIM FOR HIS ACTION OF EXCESSIVE FORCE USED ON ME. I'M REQUESTING A ADMINISTRATIVE SEPERATION ON THIS OFFICER, K. MYERS, ET AL, ON THIS PRISON I FEAR FOR MY SAFETY AND HEALTH AS WELL AND MY JUDGE WILL HEAR ABOUT THIS ASSAULT THAT HAPPEN TO ME BECAUSE OF MY CIVIL CASE I GOT ON SCI-CAMPBELL, MY WITNESSES ARE THE "POC" CAMERA AND INMATE THOMAS WOODS THAT WAS IN "POC" CELL NO. 1 RIGHT ACROSS FROM ME AND SAW THE WHOLE THING WHEN DOWN ON THE "POC" CELL JUST BECAUSE I REFUSE TO BE CHECKED FOR MY VELDER SIGN BY THE NURSES. ON THAT SHIP. I NEED YOUR HELP PLEASE. THIS HAPPEN IN CAMPBELL AND NOW HERE AGAIN THIS WOULD NOT STOP AND TOLD MAYOR WALTER I WANTED A SEPERATION ON C/O K. MYERS AND HE PUT ME ON REAR DB. 1013 AND OFF 1013. I WANT TO CLIMB THE "RHU" WHERE C/O K. MYERS STILL IS WORKING AT.

BCI - / PRA

②

4-30-17

TO WHO IT MAY CONCERN

I'M WRITING YOU THIS LETTER TO INFORM YOU THAT I'M A MENTAL HEALTH INMATE, I WAS ON THE "POC" CELL FROM 4-15-17 TO 4-26-17 ON 4-18-17 AROUND 6:00 AM. AND 2:30 AM. C/O. KIMBERS, CAME INTO THE "POC" CELL AND WOKE ME UP. "STATED THE NURSE WANT'S TO CHECK YOUR VELDDED SIGN, I SAID NO HE GRAB MY HAND AND HELD IT HARD TOWARDS THE WALL WHICH I WAS HAND CUFFED TO THE BED AND I TOLD HIM YOU ARE HURTING ME LET ME GO I TRY TO GET UP TO PUSH HIS HAND AWAY FROM ME AND HE STARTED TO SLAM MY HEAD TO THE BACK OF THE RUMK (S) TIMES IT'S ON THE "POC" TOP CORNER CAMERA I TOLD C/O. MCCALLISTER<sup>2</sup> TO CALL THE NURSE DEBRAKOS, OR MRS. JESSICA COUSEN, THE PHYSICAL AND TO CALL SECURITY OFFICES TO NOTIFY OF MY ASSAULT THAT HE WITNESS AND HE NEVER DID HE COVER IT AS A LIE, A CAPTAIN. B. HARRIS, CAME TO MY DOOR AND TOLD HIM OFF MY ALLIGATION OF ASSAULT. A WEEK LATER I SAW HIM AGAIN AND HE STATED I SEEN THE VIDEO AND IT DON'T SHOW NOTHING THAT YOU SAY ABOUT THE ASSAULT OF THIS C/O. MYERS, SLAMING MY HEAD ON THE BED SO THEY ARE TEMPERING WITH VIDEO EVIDENCE TO HIDE THEIR OFFICE'S MISTAKES AND WRONG DOING TO US INMATE AND DELAY IT FROM THE VIDEO FOOTAGE AS WELL IS A FEDERAL OFFENCE OF LAW AND A VIOLATION AS WELL. I NEED YOUR HELP TO ENVIESTIGATE THIS MATTER DEPER INTO YOUR HANDS, I WAS HAND CUFFED TO THE "POC" BED FOR (7) DAYS WITH NO MOVEMENT AT ALL.

THANK YOU

TO: BCI / PRA COORDINATOR  
1800 ELMERTON AVE,  
HARRISBURG, PA. 17110

ABUSE NETWORK

4-20-17

①

TO WHO IT MAY CONCERN

I AM WRITING YOU PEOPLE TO LET YOU KNOW THAT I WAS ASSAULTED TWO TIMES BY C/O. MYERS, ET AL, AND THIS INDIVIDUALS ARE TEMPERING WITH EVIDENCE OF VIDEO FOOTAGE AS WELL. I WERE IN THE 'POC' CELL FROM 4-15-17 TO 4-26-17 DO TO ME HAVING A RABBIT IN MY STOMACH, I WAS HAND CUFFED TO THE 'POC' BED FROM 4-15-17 TO 4-21, 2017 WITH NOE HARD TO SLEEP WITH THE HAND CUFFED TO THE BED BY ONE HAND AND FORCE TO SLEEP LIKE THAT. ON 4-18-17 AROUND 6:00AM OR 6:30AM, C/O MYERS CAME INTO THE 'POC' CELL AND CLANDED MY HEAD FIVE TIMES TO THE BACK OF THE BED AND THE BY STANDER C/O. J, AND NURSE DID NOTHING TO STOP THIS OFFICER FOR HIS ACTION. DO TO MY HEALTH BEEN IN DANGER AND HAND CUFFED TO THE BED FOR SEVEN DAYS WITH OUT BEEN ABLE TO MOVE AT ALL OR TO USE THE RESTROOM OR DRINK WATER. UNTIL THIS DAY I FEAR FOR MY LIFE BEEN AROUND THIS OFFICER MYERS THAT I WAS SUPPOST TO BE SEPERATED DO TO THE INVESTIGATION AND HE IS STILL IN THE R.H.U. WORKING WHERE I AM HOUSED AT. I NEED YOU PEOPLE TO DO A INVESTIGATION ON THIS ASSULT ON ME FROM THIS OFFICER, MYERS ET AL,

THANK YOU

IC

CORBEN

COPY IT

INTEL FILES

TO FAMILY

TO: THE ABUSE NETWORK

P.O. BOX 268

31 S. PORCAST GROUND FLOOR

LEWISTOWN, PA 17044

717-242-2444

4-30-17

OSII

①

TO WHO IT MAY CONCERN

I AM WRITTING YOU THIS LETTER TO INFORM YOU THAT I AM A MENTAL HEALTH INMATE WITH MENTAL PROBLEM I WAS TAKEN TO THE HOSPITAL DO TO THE NATURE THAT I SLOWER A RACER RUDE. I CAME BACK TO THE PRISON AT 8:30PM. AND PUT IN THE 'POC' WITH A SHOCK AND HANDCUFFED TO THE 'POC' BED ON 4-15-17 ON 4-18-17 AROUND 6:00AM AND 6:30AM. C/O MYERS CAME INTO THE 'POC' CELL WITH OTHER OFFICER AND BECAUSE HE HURTER MY HAND AND I TRIED TO PUSH HIM AWAY FROM ME HE ASSAULT ME BY SLAMING MY HEAD FIVE TIME TO THE BACK OF THE BUNK IT'S ON THE 'POC' TOP CORNER CAMERA AS PROOF AND THE DOR. OFF SECURITY DID TEMPER WITH EVIDENCES OF VIDEO FOOTAGE. ON THAT SAME DAY 4-18-17 AT 8:00AM AND 8:30AM AGAIN I WAS ASSAULTED A SECOND TIME BY THE SAME OFFICER. C/O MYERS, I TALKED TO MR. GOSS THE HEAD PHYSICIAN AND MAYOR WALTER, THAT I FEAR FOR MY LIFE BEEN AROUND THIS OFFICER. I WAS PUT IN REAR DB-1002 UNTIL THE INVESTIGATION WAS OVER ON 4-26-17 I WAS MOVE BACK TO THE G/BLOCK WHICH IS THE RESTRICTED HOUSING UNIT "RHU" WHERE THIS OFFICER IS THIS WORKING AT WHEN MAYOR WALTER ORDER ME TO BE SEPARATE FROM THIS OFFICER. MYERS UNTIL THE OUTCOME OF THE INVESTIGATION, I NEED YOUR HELP OF THIS MATTER AS SOON AS POSSIBLE TO GET ME REMOVE OF THIS BLOCK OR THIS OFFICER. MYERS OFF THE UNIT DO TO MY LIFE IS IN DANGER BEEN AROUND HIM.

P.S.

I HOPE TO HEAR FROM YOU PEOPLE SOON

TO: CENTRA OFFICE

OSII

1920 TECHNOLOGY PARKWAY

MECHANICSBURG, PA. 17050-8028

4-30-17

DEAR: SHERLEE MOORE

I'M WRITING YOU THIS LETTER TO INFORM YOU THAT I AM A MENTAL HEALTH INMATE IN SCI-HUNTINGDON. I WAS TAKEN TO THE HOSPITAL DO TO THAT I SLAMMED A RAZOR. I CAME BACK FROM THE HOSPITAL AROUND 8:30AM. AND WAS PUT ON A SHACK AND ON THE "POC" CELL IN HANDCUFFED TO THE BED FOR "SEVEN" DAYS AS A TOWARD TORCHED TOWARDS MY HEALTH. I WAS FORCE TO SLEEP LIKE THAT AND GIVEN NO SHOWER AS WELL ON 4-18-17 AROUND 6:00AM. I WAS ASSAULTED BY C/O. MYERS ON THE "POC" CELL WELL I WAS HANDCUFFED TO THE BED AGAIN. AT 8:00 OR 8:30AM THIS C/O. MYERS CAME INTO THE "POC" CELL AND ASSAULT ME A SECOND TIME YOUR STAFF IN SCI-HUNTINGDON LIKE THE ONE CAPTAIN TOLD ME THAT HE SEEN THE VIDEO AND NOTHING HAPPEN LIKE I SAID IT DID. THIS PEOPLE ARE TEMPERING WITH VIDEO EVIDENCE TOWARD MY ALLEGATIONS THAT I FILE ON THIS OFFICER MYERS, ET. AL., SEE "POC" VIDEO AND YOU WILL SEE THAT THIS OFFICER SLAMMED MY HEAD "FIVE" TIMES TOWARDS THE BACK OF THE BED AND NO ONE STOPPED HIM FOR HIS ACTION OF EXCESSIVE FORCE USE D ON ME. I'M REQUESTING ADMINISTRATION SEPERATION ON THIS OFFICER'S MYERS, ET. AL, ON THIS PRISON'S FEAR FOR MY SAFETY AND HEALTH AS WELL. AND MY JUDGE WILL HEAR ABOUT THIS ASSAULT THAT HAPPEN TO ME BECAUSE OF MY CIVIL CASE I GOT ON SCI-CAMP HILL. MY WITNESSES ARE THE "POC" CAMERA AND THOMAS WOODS THAT WAS ON "POC" CELL NO. 1 RIGHT ACROSS FROM ME AND SAW THE WHOLE THING WHEN DOWN ON THE "POC" CELL JUST BECAUSE I REFUSE TO GET CHECKED. FOR MY VIDEO'S SIGN BY THE NURSES. OF THAT SHIFT, I NEED YOUR HELP PLEASE. THIS HAPPEN IN JAMPHILL AND NOW HERE AGAIN THIS WOULD NOT STOP AND I TOLD MAYOR WALTER I WANTED A SEPERATION ON C/O. MYERS AND HE PUT ME ON REAR DB-1002 AND ON 4-21-17 I WAS MOVED BACK TO G/BLOCK THE RML. WHERE C/O. MYERS STILL WORKING AT AS A C/O.

THANK 

TBI CENTRAL OFFICE  
1920 TECHNOLOGY PARKWAY  
MECHANICSBURG, PA. 17050-8028

4-33-17

①

DEAR: JOHN WETZEL

I'M WRITING YOU THIS LETTER TO INFORM YOU THAT I AM A MENTAL HEALTH INMATE IN SCT-HUNTINGDON. I WAS TAKEN TO THE HOSPITAL DO TO THAT I CHOKED A PRISONER. I CAME BACK FROM THE HOSPITAL AROUND 8:30AM. AND WAS PUT ON A SHACK AND ON THE POC CELL HANDCUFFED TO THE BED FOR SEVEN DAYS AS A TOWARD TO MY HEALTH, I WAS FORCED TO SLEEP LIKE THAT AND GIVEN NO SHOWER AS WELL ON 4-18-17 AROUND 6:00 AM. I WAS ASSAULTED BY C/O. MYERS ON THE POC CELL WELL I WAS HANDCUFF TO THE BED AGAIN AT 8:00-8:30 AM. THIS C/O. MYERS CAME INTO THE POC CELL AND ASSAULT ME A SECOND TIME YOUR STAFF IN SCT-HUNTINGDON LIKE ONE CAPTAIN TOLD THAT HE SEEN THE VIDEO AND NOTHING HAPPEN LIKE I SAID IT DID. THE PRISONERS TAMPERING WITH VIDEO EVIDENCE TOWARDS MY ALLIGATIONS THAT I FILE ON THIS OFFICER MYERS, ET AL, SEE "POC" VIDEO AND YOU WILL SEE THAT THIS OFFICER SCAMDED MY HEAD FIVE TIMES TOWARDS THE BACK OF THE BED AND NO ONE STOPPED HIM FOR HIS ACTION OF EXCESSIVE FORCE USED ON ME. I'M REQUESTING ADMINISTRATION SEPERATION ON THIS OFFICER'S MYERS ET AL. IN THIS PRISON I FEAR FOR MY SAFETY AND HEALTH AS WELL AND MY JUDGE WILL HEAR ABOUT THIS ASSAULT THAT HAPPEN TO ME BECAUSE OF MY CIVIL CASE I GOT ON SCT-CAMPBELL. MY WITNESSES ARE THE POC CAMERA AND INMATE THOMAS WOODS THAT WAS ON "POC" CELL NEXT RIGHT ACROSS FROM ME AND SAW THE WHOLE THING WHEN I WAS DOWN ON THE POC CELL JUST BECAUSE I REFUSE TO GET CHECKED FOR MY VELDDED SIGN BY THE NURSES. ON THAT SHIFT, I NEED YOUR HELP PLEASE. THIS HAPPEN IN CAMPBELL AND NOW HERE AGAIN THIS WOULD NOT STOP AND I TOLD MAYOR WALTER I WANTED A SEPERATION ON C/O. MYERS AND HE PUT ME ON REAR DB-1002 AND ON 4-28-17 I WAS MOVE BACK TO G/BLOCK THE KNO WHERE C/O. MYERS STILL IS WORKING AT AS A C/O.

THANK YOU

TO: CENTRA OFFICE  
1920 TECHNOLOGY PARKWAY  
MECHANISBURG, PA. 170500028



7-5-17

TO WHO IT MAY CONCERN  
 OR. WILLIAM DIMASCIO

I'M WRITTING TO YOU PEOPLE TO LET YOU KNOW IF I  
 COULD TALK TO SOME ONE FROM YOUR OFFICE THAT DOES NOT LEAVE,  
 IN HUNTINGDON OR SMITH COUNTY BECAUSE THIS PRISON WON'T LET  
 THEM IN. I WAS ASSAULTED BY C/O. KIMYERS, WHEN I WAS  
 ON THE "POG/OSS" IN MEDICAL ON 4/18/17 WHEN I WAS STILL  
 HAND CUFFED TO THE BED FOR "SEVEN" DAYS WITH OUT MOVING  
 OR BEEN ABLE TO USE THE REST ROOM AT ALL OR TO DRINK SOME  
 WATER. I NEED YOUR HELP ON THIS MATTER PLEASE I WROTE  
 LETTERS TO JOHN WENZEL, SHERIFF MOORE, THOMAS WOLF THE  
 GOVERNOR, OSI, ECI/PREA, THE ABUSE NETWORK TO NO AVAILABLE  
 US AT ALL. ALL I NEED HELP WITH A LAWYER ON THIS MATTER  
 AS WELL TO HELP ME OUT BECAUSE I'M A MENTAL HEALTH INMATE  
 IN THIS PRISON. MY CONTACT INFORMATION IS ON THE LEFT  
 CORNER OF THE ENVELOPE FOR YOU TO CONTACT ME BACK AS  
 SOON AS POSSIBLE PLEASE.

THANK YOU

TO: WILLIAM DIMASCIO  
 245 N. BROAD ST -# 200  
 PHILADELPHIA, PA 19107-1518  
 215-564-6005

6-15-17

PL RALPH REEBER WILL

I AM WRITTING TO INFORM YOU THAT I TRY TO CALL THE ABUSE NETWORK BUT I GET NO ANSWER FROM YOUR OFFICE AT ALL, I WANT TO REPORT TO YOU THAT I WAS ASSAULTED ON APRIL 18, 2017 WHEN I WAS IN THE POC/OES CELL #3, BY C/O. K. MYERS, I WROTE TO EVERY ONE IN CENTRAL OFFICE AND THE GOVERNOR THOMAS WOLF TOO NO USE I FILE A GRIEVANCE ON MY ALLEGATIONS, AS WELL STILL NO USED THEY STILL GOT THIS C/O. K. MYERS WORKING AT THE RHM. WHERE I AM HOUSED AT AND WHERE HE WORKS AT. I ASK FOR A SEPERATION AS WELL AND TO NO USE AT ALL. I NEED YOUR HELP ON THIS MATTER AS WELL I CONTACTED THE NEWSPAPER IN THIS AREA TO INFORM THEM OF WHAT IS GOING ON AND THE DEPARTMENT OF JUSTICE IN WASHINGTON DC. AS WELL TO NO USE AT ALL,

PLEASE COME AND SEE OR HAVE SOME ONE TO SEE ME I REIN IN DANGER IN THIS PRISON.

PS-

I HOPE TO HEAR FROM YOU  
SOON,

TO: THE ABUSE NETWORK  
PO BOX 268  
21 S. BROADCASTOR ROUND FLOOR  
LEWISTOWN, PA. 17044  
717-242-2444

2ND LETTER TO THIS  
PEOPLE





May 10, 2017

Hector Vargas-Torres, JT1711  
State Correctional Institution Huntingdon

Dear Mr. Vargas-Torres:

This letter serves as a response to your correspondence addressed to the BCI/PREA Coordinator allegation reporting address, postmarked May 1, 2017. This reporting address was established for the purpose of reporting sexual abuse, sexual harassment and retaliation for reporting such claims. Your correspondence did not contain a PREA allegation and was referred to me for review and response.

The allegations of physical abuse contained within your letter were referred to the Office of Special Investigations and Intelligence (OSII) and to the security office at State Correctional Institution (SCI) Huntingdon for investigation.

I trust that the above information should sufficiently address your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Radziewicz'.

David Radziewicz  
PREA Coordinator

DR/df

cc: Director Carole Ann Mattis, Bureau of Standards, Audits and Accreditation  
Chief of Investigations Harold Kertes, OSII (w/ enclosure)  
Security Captain Kevin Stevens, SCI Huntingdon (w/ enclosure)  
file



**pennsylvania**  
DEPARTMENT OF CORRECTIONS

May 15, 2017

Hector Vargas-Torres - JT1711  
SCI Huntingdon

Dear Mr. Vargas-Torres:

The Office of Special Investigations and Intelligence recently received your correspondence from the Secretary's Office on May 3 and May 10, 2017.

Please be advised that your allegations are currently being investigated. The investigation is not complete at this time. Once completed, you will be notified in writing of the findings by the security office at the State Correctional Institution Huntingdon.

Sincerely,

A handwritten signature in black ink, appearing to read "Barnacle", written over the printed name and title.

James C. Barnacle  
Director

JCB/djp

cc: Security Office - SCI Huntingdon (w/enclosure)  
King - 2017-C76-019

# EXHIBIT (D)

ORDER TO SHOW CAUSE FOR  
PRELIMINARY INJUNCTION ORDER  
AND RELIEF AND TEMPORARY  
RESTRAINING ORDER AS PROOF  
OF EVIDENCE.

UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF PENNSYLVANIA

HECTOR VARGAS TORRES  
VS.

C/O. K. MYERS  
C/O. B. OWENS  
LT. WENDLE  
C/O. MCCALLISTER  
LT. CIS CHKO  
CAPT. HARRIS

CIVIL RIGHT ACTION NOTED

JUDGE:

JURY TRIAL DEMANDED

ORDER TO SHOW CAUSE FOR PRELIMINARY  
INJUNCTION ORDER AND TEMPORARY RESTRAINING  
ORDER

UPON THE COMPLAINT, SUPPORTING AFFIDAVIT OF PLAINTIFF SWORN  
TO THE 22 DAY OF OCTOBER, 2017, AND THE TRUE SWORN  
STATEMENT IS A CORRECT AND TRUE TO MY BEST KNOWLEDGE.

ORDERED THAT THE ABOVE NAMED DEFENDANT'S C/O. MYER, ET AL.,  
TO SHOW CAUSE IN ROOM \_\_\_\_\_ OF THE UNITED STATES COURT-  
HOUSE, 235 NORTH WASHINGTON AVE, SCRANTON, PA 18501-1148 ON  
THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2017, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M OR  
AS SOON THEREAFTER AS COUNSEL MAY BE HEARD, WHY PRELIMINARY  
INJUNCTION SHOULD NOT ISSUE PURSUANT TO RULE 65 (A) OF THE  
FEDERAL RULES OF CIVIL PROCEDURE ENJOINING THE DEFENDANT'S THEIR,  
SUCCESSORS IN OFFICE, AGENTS, AND EMPLOYEES AND ALL OTHER PERSONS  
ACTING IN CONCERT AND PARTICIPATION WITH THEM, FROM THESE  
DEFENDANT'S C/O. MYERS, ET AL., TO NOT HAVE NO CONTACT WITH THE  
PLAINTIFF NO WHERE WHERE HE IS LOCATED AT OR HOUSED AT. DO  
TO THAT THEY ASSAULTED THE PLAINTIFF TWO TIMES WELL ON THE  
'POC' CELL AND PLAINTIFF WAS HAND CUFFED TO THE BUNK FOR 'SEVEN'  
DAYS.

IT IS FURTHER ORDERED THAT EFFECTIVE IMMEDIATELY, AND PENDING THE HEARING AND DETERMINATION OF THIS ORDER TO SHOW CAUSE, THE DEFENDANT'S C/O. MYERS, ET, AL, AND EACH OF THEIR OFFICERS, AGENTS, EMPLOYEES, AND ALL PERSONS ACTING IN CONCERT OR PARTICIPATION WITH THEM, ARE RESTRAINED FROM ASSAULTING HIM AND DESTROY HIS PROPERTY AND HIS MAIL, AND TO BE SEPERATED FROM PLAINTIFF FROM THE PLACE HE IS HOUSED AT AS WELL AND TO DO NOT HARASS HIM WITH NO 3rd PARTY OFFICER'S.

IT IS ORDERED FURTHER THAT PERSONAL SERVICE OF A COPY OF THIS ORDER WILL BE THOUGH THE COURTS AND ANNEXED AFFIDAVIT UPON THE DEFENDANT'S C/O. MYERS, ET, AL, OR THEIR COUNSEL ON OR BEFORE \_\_\_\_\_, SHALL BE DEEMED GOOD AND SUFFICIENT SERVICE THEREOF.

BY THE UNITED STATES  
DISTRICT COURTS JUDGE

DATE: OCTOBER 22, 2017

X \_\_\_\_\_  
JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HECTOR VARGASTORRES  
vs.

CAPT. B. HARRIS  
LT. R. CISCHKO  
LT. WENDLE  
C/O. K. MYERS  
C/O. B. A. GOWNS  
C/O. MCCALLISTER

CIVIL ACTION RIGHTS # \_\_\_\_\_

JUDGE: \_\_\_\_\_


AFFIDAVIT OF PLAINTIFF, VERIFICATION  
OF NOT BEING ABLE TO SIGN BY A PUBLIC  
NOTARY.

VERIFICATION

I DECLARE THAT I HAVE NOT BEEN ABLE TO HAVE THIS AFFIDAVIT OF PLAINTIFF, ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION ORDER & THE MEMORANDUM OF LAW IN SUPPORT OF HIS MOTION, NOTARIZED ACCORDING TO LAW BECAUSE, THE LIBRARIAN STAFF REFUSE TO SIGN IT FOR ME AND DATED AS WELL NOTARIZED. I THEREFORE DECLARE UNDER PENALTY OF PERJURY THAT ALL OF THE STATEMENTS MADE IN THIS ORDER TO SHOW CAUSE FOR A PRELIMINARY INJUNCTION ORDER AND THE MEMORANDUM OF LAW THAT IS ATTACHED AS WELL. ARE BOTH TRUE OF MY OWN KNOWLEDGE, AND I "PRAY LEAVE OF THE COURTS TO ALLOW THIS AFFIDAVIT, TO BE FILED WITH OUT NOTARIZED ON THE PLAINTIFF BEHALF.

DATED: OCTOBER 22, 2017.

PRO-SE  
HECTOR VARGASTORRES  
# JT-1711  
SGE - HUNTINGDON  
1106 PIKE ST  
HUNTINGDON, PA-16854-1112



IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HECTOR VARGAS TORRES

vs.

CIVIL ACTION RIGHTS NO. \_\_\_\_\_

CAPT. B. HARRIS

LT. R. GUSCHKO

JUDGE: \_\_\_\_\_

LT. WENDLE

S/O. K. HYERS

JURY TRIAL DEMANDED

S/O. B. A. GUYE

S/O. MCCALLISTER

AFFIDAVIT

PLAINTIFF, HECTOR VARGAS TORRES, AFFIDAVIT IN SUPPORT  
OF HIS ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION ORDER  
AND TEMPORARY RESTRAINING ORDER WITH ATTACH (EXHIBIT D) OF  
MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF MOTION FOR A  
FULL OR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION  
RELIEF:

I, HECTOR VARGAS TORRES, BEING DULY SWORN ACCORDING TO THE LAW  
DEPOSE AND SAY THAT I AM THE PLAINTIFF IN THE ABOVE ENTITLED  
PROCEEDING CASE AND STATE AS FOLLOWING:

1) I AM THE PLAINTIFF IN THE ABOVE PROCEEDING CASE.

2) PLAINTIFF, HECTOR VARGAS TORRES, DID WRITE THIS COMPLAINT OUT TO  
THE BEST OF HIS KNOWLEDGE AND BELIEVE.

3) I ALLEGED THAT THE STATEMENTS IN MY COMPLAINT OF ORDER TO  
SHOW CAUSE FOR A PRELIMINARY INJUNCTION ORDER AND TEMPORARY  
RESTRAINING ORDER ARE TRUE AND CORRECT.

4) PLAINTIFF, HECTOR VARGAS TORRES, MEMORANDUM OF LAW IN SUPPORT  
OF PLAINTIFF MOTION FOR A FULL TEMPORARY RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION ARE TRUE AND CORRECT.

1) PLAINTIFF, STATEMENTS ON HIS ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION ORDER AND TEMPORARY RESTRAINING ORDER AND ATTACH OF MEMORANDUM OF LAW IN SUPPORT OF HIS MOTION FOR A FULLER TEMPORARY RESTRAINING ORDER OF RELIEF ARE TRUE AND CORRECT.

2) PLAINTIFF, HECTOR VARGASTERRER, PRAY THAT THE COURTS WILL GRANT HIS RESTRAINING TEMPORARY ORDER TO PROTECT HIM FROM FURTHER RETALIATION BY THIS DEFENDANT'S CAPT. B. HARRIS, ET AL., ..

3) THIS AFFIDAVIT IS TO ENFORCE PLAINTIFF MOTION OF ORDER TO SHOW CAUSE OF HIS TEMPORARY RESTRAINING ORDER AND MEMORANDUM OF LAW IN SUPPORT OF HIS ORDER AS WELL AND STATE THAT EVERY IS TRUE AND CORRECT TO HIS KNOWLEDGE AND BELIEF.

4) IN SUPPORT TO HIS COMPLAINT AND MOTIONS IS (ATTACHED EXHIBIT D & E) OF COPY'S OF THIS ORDERS AS PROOF.

5) EVERYTHING THAT PLAINTIFF, SAID ON HIS MOTION IS ALL TRUE AND CORRECT AND IN NEED OF HELP OF THE COURTS TO PROTECT HIM FROM HARM FROM THIS DEFENDANT'S.

6) PLAINTIFF, ASK THE COURT TO GRANT HIS MOTION OF ORDER TO SHOW CAUSE AND THE MEMORANDUM OF LAW AS WELL THAT SUPPORT HIS (TRO).

7) PLAINTIFF, HECTOR VARGASTERRER, DO STATES THAT THE FOREGOING STATEMENTS ARE ALL TRUE AND CORRECT TO HIS ABILITY AND KNOWLEDGE AND BELIEF.

ALL OF THE INFORMATION I HAVE SUBMITTED IN SUPPORT OF MY CASE & ORDER TO SHOW CAUSE, IS TRUE AND CORRECT.

S WORN TO BEFORE ME THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

Hector Vargasterre

SIGN HERE BEFORE NOTARY PUBLIC

REFUSE TO SIGN

NOTARY PUBLIC SIGNATURE



# EXHIBIT (E)

COPY'S OF MEMORANDUM OF LAW  
IN SUPPORT OF PLAINTIFF MOTION  
FOR A FULL OR TEMPORARY RESTRAINING  
ORDER AND PRELIMINARY INJUNCTION  
AS PROOF OF EVIDENCE.

UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF PENNSYLVANIA

HECTOR VARGAS TORRES  
VS.

C/O. K. MYERS

C/O. B.A. OWNS

C/O. MCCALLISTER

LT. WENDLE

LT. CISCHKO

CAPT. HARRIS

CIVIL ACTION RIGHT NO#:

JUDGE:

JURY TRIAL DEMANDED

MEMORANDUM OF LAW IN SUPPORT OF  
PLAINTIFF MOTION FOR A FULL OR TEMPORARY RESTRAINING  
ORDER AND PRELIMINARY INJUNCTION

STATEMENT OF THE CASE

THIS IS A CIVIL RIGHTS ACTION BROUGHT UNDER 42 U.S.C. § 1983 BY A STATE PRISONER WHO WAS ASSAULTED BY PRISON STAFF AND WHO IS PRESENTLY BEING DENIED AN APPROPRIATE SEPARATION. THE PLAINTIFF HECTOR VARGAS TORRES, SEEKS A FULL OR A TEMPORARY RESTRAINING ORDER AND A PRELIMINARY INJUNCTION TO ENSURE THAT HE RECEIVED THE PROPER PROTECTION FROM THIS DEFENDANT'S C/O. K. MYERS, ET AL., ..

STATEMENT OF FACTS

AS STATED IN THE DECLARATION SUBMITTED WITH THIS MOTION, THE PLAINTIFF HECTOR VARGAS TORRES WAS ASSAULTED BY C/O. K. MYERS, AND SUFFERED HEADACHED FROM THIS C/O. K. MYERS, SLAMING HIS HEAD "FIVE" TIME TO THE BACK OF HIS BUNK AND WALL THAT CAUSE A LUMP IN HIS UPPER RIGHT EYE AND WAS DENIAL MEDICAL TREATMENT (DEC. ATSS 2-3) STILL PLAINTIFF WAS HANDCUFFED TO THE BUNK WITH OUT MOVEMENT OR LITTLE TO MOVE AROUND ON HIS BUNK FOR "7" DAYS. (DEC. ATSS 7) THE PLAINTIFF WAS FORCE TO A RESTRAINING CHAIR AFTER HE BROKE THE HANDCUFF AND TOLD A CAPTAIN HARRIS WHAT REALLY HAPPEN. (DEC. ATSS 4-10).

## ARGUMENT

## POINT 1.

THE PLAINTIFF IS ENTITLED TO A FULL OR A TEMPORARY RESTRAINING ORDER AND A PRELIMINARY INJUNCTION

IN DETERMINING WHETHER A PARTY IS ENTITLED TO A FULL OR A TEMPORARY RESTRAINING ORDER OR A PRELIMINARY INJUNCTION, COURTS GENERALLY CONSIDER SEVERAL FACTORS: WHETHER THE PARTY WILL SUFFER IRREPARABLE INJURIES, THE "BALANCE OF HARDSHIPS" BETWEEN THE PARTIES THE LIKEHOOD OF SUCCESS ON THE MERITS, AND THE PUBLIC INTEREST, EACH OF THESE FACTORS FAVORS THE GRANT OF THIS MOTION.

### A) THE PLAINTIFF IS THREATENED WITH IRREPARABLE HARM

THE PLAINTIFF HECTOR VARGAS TORRES, ALLEGES THAT HE WAS PHYSICALLY ASSAULTED TWO TIMES BY YO. M. MYERS, WITH PHYSICAL ASSAULT AND ABUSE. THE CONDUCT BY PRISON OFFICIALS IS A CLEAR VIOLATION OF THE EIGHT AMENDMENT. CONCEPCION V. MORTON, 125 F. SUPP. 2d 111, 126 (D.N.J. 2000) (ALLEGATIONS OF BEING STRUCK AND WHILE HANDCUFFED AFTER AN EARLIER ASSAULT INCIDENT SUPPORTED AN EXCESSIVE FORCE CLAIM) REV'D ON OTHER GROUNDS, 306 F.3d 1347 (2d CIR. 2002), "IS A FORM OF UNLAWFUL DELIBERATE INDIFFERENCE."

AS A MATTER OF LAW, THE CONTINUING DEPRIVATION OF CONSTITUTIONAL RIGHTS CONSTITUTES IRREPARABLE HARM. ELRED V. BURNS, 407 U.S. 347, 373, 96 S. CT. 2473 (1976); AMERICAN TRUCKING ASSOCIATIONS, INC. V. CITY OF LOS ANGELES, 559 F.3d 1046, 1058-59 (9TH CIR. 2009), THIS PRINCIPLE HAS BEEN APPLIED IN PRISON LITIGATION GENERALLY, SEE JOLLY V. COUGHLIN, 76 F.3d 468, 482 (2d CIR. 1996); U.S. V. LAHELLE, 439 F.3d 670 (10TH CIR. 2006); NEWSON V. MORRIS, 888 F.2d 371, 378 (6TH CIR. 1989); HITCHELL V. CUMMO, 748 F.2d 804, 806 (2d CIR. 1984); MCLENDON V. CITY OF ALBUQUERQUE, 272 F.SUPP.2d 1250, 1259 (D.N.M. 2003), AND SPECIFICALLY IN PRISON OF STATE CORRECTIONS OF ASSAULTS TOWARDS INMATES. HUDSON, 503 U.S. AT 7-8 ("STANDARD APPLIES "WHENEVER PRISON OFFICIALS STAND ACCUSED OF ASSAULT AND USING EXCESSIVE PHYSICAL FORCE AND ABUSE IN VIOLATION OF CRUEL AND UNUSUAL PUNISHMENTS CLAUSE") (EMPHASIS SUPPLIED).

IN ADDITION, THE PLAINTIFF IS THREATENED WITH IRREPARABLE HARM BECAUSE OF THE NATURE OF HIS ASSAULT THAT HE REPORTED, DO TO BEEN HANDCUFFED TO A BUNK FOR A LONG PERIOD OF TIMES AND LOSS OF MOVEMENT AND FUNCTIONAL TO MOVEMENT TO HIS WHOLE BODY.

**B) THE BALANCE OF HARDSHIPS FAVORS THE PLAINTIFF**

IN DECIDING WHETHER TO GRANT TRO'S AND PRELIMINARY INJUNCTIONS, COURTS ASK WHETHER THE SUFFERING OF THE MOVING PARTY IF THE MOTION IS DENIED WILL OUTWEIGH THE SUFFERING OF THE NON-MOVING PARTY IF THE MOTION IS GRANTED. SEE, E.G., MITCHELL V. CUOMO, 798 F.2d 804, 808 (2d Cir. 1984) (HOLD THAT DANGERS POSED BY PRISON CROWDING OUTWEIGHED STATES FINANCIAL AND ADMINISTRATIVE CONCERNS); DURAN V. ARAYA, 642 F.Supp. 510, 527 (D.N.M. 1986) (HOLDING THAT PRISONER'S INTEREST IN SAFETY AND PROTECTION OUTWEIGHED STATE'S INTEREST ON PROTECTING THE PLAINTIFF FROM THIS STAFF ASSAULTS AND ABUSE.

IN THIS CASE, THE PRESENT SUFFERING OF THE PLAINTIFF AND HIS POTENTIAL SUFFERING IF HE PERMANENTLY STAY IN THIS RESTRICTED HOUSING UNIT WHERE THIS DEFENDANT'S %O.K. MYERS, ET AL, WORKS FULL TIME. THE "SUFFERING" THE PLAINTIFF WILL EXPERIENCE IF THE COURT DENIAL THE ORDER WILL CONSIST OF TAKING THE DEFENDANT'S SIDE TO A SUITABLE ORDER - SOMETHING THAT THIS DEFENDANT'S %O.K. MYERS, ET AL, DID TO THE PLAINTIFF, AND ARE OBLIGATED TO DO, FOR MEMBERS OF THE PRISON POPULATION ON A DAILY BASIS. THE HARDSHIPS OF DEFENDANT'S %O.K. MYERS, ET AL, AMOUNT TO MORE THAN A BUSINESS AS USUAL.

**C) THE PLAINTIFF IS LIKELY TO SUCCEED ON THE MERITS**

THE PLAINTIFF HECTOR VARGAS TORRES HAS A GREAT LIKEHOOD OF SUCCESS ON THE MERITS. WHAT DEFENDANT'S %O.K. MYERS, ET AL, HAVE DONE - "INTENTIONALLY INTERFERING WITH [VIDEO EVIDENTS] AS A RESULT TO THE ASSAULT" - WAS SPECIFICALLY SINGLED OUT BY THE SUPREME COURT AS AN EXAMPLE OF UNCONSTITUTIONAL "DELIBERATE INDIFFERENCE" TO PRISONERS WITH NEED OF HELP. MADRID V. GOMEZ, 889 F.Supp. 1146, 1168-71, 1254-55 (N.D.CAL. 1995) (LEAVING PRISONER'S IN "FETAL RESTRAINTS" AS PUNISHMENT VIOLATED THE EIGHTH AMENDMENT);

SEE, E.G., POTMAN V. GERLOFF, 639 F.2d 415, 419-20 (8TH CIR. 1981) (JURY COULD FIND OVERNIGHT CHAINING AND HANDCUFFING OF PRISONERS LOCKED IN CELLS UNCONSTITUTIONAL); PICARIELLO V. FENTON, 481 F.SUPP. 1026, 1039-40 (M.D. PA. 1980) (THREE TO FIVE DAYS IN RESTRAINTS IN CELL CONSTITUTED TORT OF BATTERY); MILLER V. GLANZ, 948 F.2d 1562, 1564, 1567 (10TH CIR. 1991) (ALLEGATION THAT OFFICER'S KNOCKED DOWN AN INMATE WHO RESISTED HANDCUFFING DID NOT STATE AN EIGHT AMENDMENT CLAIM; ALLEGATION THAT THEY CAME BACK LATER AND BEAT HIM UP IN HIS CELL DID STATE A CLAIM); WILKINS V. GADDY, — U.S. —, 130 S. CT. 1179 (2010) (PER CURIAM) (HOLDING PRISONERS WHO ALLEGED HE SUFFERED A BRUISED RIGHT FOREHEAD, RIGHT WRIST HAND, INFLAMING BLOOD PRESSURE, HEADACHES, DIZZINESS AND PSYCHOLOGICAL TRAUMA WHEN HE WAS ASSAULTED AND HIS HEAD BEEN SLAMMED TO THE BACK OF HIS BUNK AND METAL WALL OF HIS CELL, "MALICIOUSLY AND SADISTICALLY" AND WITHOUT ANY PROVOCATION, STATED AN EIGHT AMENDMENT CLAIM); WILKINS V. GADDY, — U.S. —, 130 S. CT. 1175, 1178-79 (2010) (PER CURIAM) ("AN INMATE WHO IS GRATUITOUSLY BEATEN BY GUARDS DOES NOT LOSE HIS ABILITY TO PURSUE AN EXCESSIVE FORCE CLAIM, MERELY BECAUSE HE HAS THE GOOD FORTUNE TO ESCAPE WITHOUT SERIOUS INJURIES," WHICH IT NEVER HAPPENED PLAINTIFF STILL RECEIVE INJURIES FROM THE ASSAULT.

D) THE RELIEF SOUGHT WILL SERVE THE PUBLIC INTEREST

IN THIS CASE, THE GRANT OF RELIEF WILL SERVE THE PUBLIC INTEREST BECAUSE IT IS ALWAYS IN THE PUBLIC INTEREST FOR PRISON OFFICIALS TO OBEY THE LAW, ESPECIALLY THE CONSTITUTION; PHELPS-ROPER V. NIXON, 545 F.3d 685, 690 (8TH CIR. 2008); DURAN V. AMAYA, 642 F.SUPP. 510, 527 (D.N.M. 1986) ("RESPECT FOR LAW, PARTICULARLY BY OFFICIALS RESPONSIBLE FOR THE ADMINISTRATION OF THE STATE'S CORRECTIONAL SYSTEM, IS IN ITSELF A MATTER OF THE HIGHEST PUBLIC INTEREST."); LIEWEIN V. OAKLAND COUNTY PROSECUTOR'S OFFICE, 402 F.SUPP. 1378, 2393 (E.D. MICH. 1975) (STATING "THE CONSTITUTION IS THE ULTIMATE EXPRESSION OF THE PUBLIC INTEREST"),

POINT 2.

THE PLAINTIFF SHOULD NOT BE REQUIRED TO

POST SECURITY

USUALLY A LITIGANT WHO OBTAINS INTERIM INJUNCTIVE RELIEF IS ASKED TO POST SECURITY. RULE 65(C), FED. R. CIV. P. HOWEVER, THE PLAINTIFF HECTOR VARGAS TORRES, IS AN INDIGENT PRISONER AND IS UNABLE TO POST SECURITY. THE COURT HAS DISCRETION TO EXCUSE AN IMPOVERISHED LITIGANT FROM POSTING SECURITY. ELLIOTT V. KIESEWETTER, 98 F.3d 47,60 (3<sup>rd</sup> CIR. 1996) (STATING THAT DISTRICT COURTS HAVE DISCRETION TO WAIVE THE BOND REQUIREMENT CONTAINED IN RULE 65(C) OF THE FED. R. CIV. P. IF "THE BALANCE OF THE EQUITIES WEIGHS OVERWHELMINGLY IN FAVOR OF THE PARTY SEEKING THE INJUNCTION"); MOLTANOV. EAGLE-PITCHER INDUSTRIES, INC., 55 F.3d 1171, 1176. (6<sup>TH</sup> CIR. 1995). IN VIEW OF THE SERIOUS ASSAULT & ABUSE OF DANGER CONFRONTING THE PLAINTIFF, HECTOR VARGAS TORRES, THE COURT SHOULD GRANT THE RELIEF REQUESTED WITHOUT REQUIRING THE POSTING OF SECURITY.

CONCLUSION

FOR THE FOREGOING REASONS THE COURT SHOULD GRANT THE  
THE MOTION IN ITS ENTIRETY.

DATED: OCTOBER 22 2017

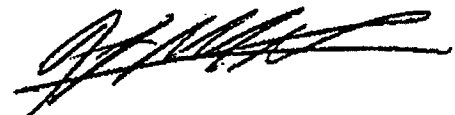
PRO-SE

HECTOR VARGAS TORRES  
#JT-1711

SCI - HUNTINGDON

1100 PIKE ST

HUNTINGDON, PA. 16654-1112



UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF PENNSYLVANIA

HECTOR VARGASTORRES

VS,

CAPT. B. HARRIS

LT. WENDLE

LT. R. CISCHKO

C/O. K. MYERS

C/O. B. A. OWNS

C/O. MCALLISTER

EACH IN DIVIDUAL CAPACITY

CIVIL ACTION NO# \_\_\_\_\_

JUDGE: \_\_\_\_\_

AFFIDAVIT

I Hector Vargastorres, SO HEREBY AVER THAT THE FOLLOWING  
IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION  
AND BELIEF. I UNDERSTAND THE PENALTIES UNDER TITLE 18  
§ 4904, RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES,  
APPLIES.

AFFIDAVIT & PROOF OF SERVICE OF CIVIL  
COMPLAINT

I HECTOR VARGASTORRES DO HEREBY AVER THAT THE  
FORGOING, IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE,  
INFORMATION, AND BELIEF,

I UNDERSTAND THE PENALTIES UNDER TITLE 18 § 4904,  
RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES, APPLIES.

PROOF OF SERVICE

I, Hector Vargastorres DO HEREBY AVER THAT COPIES OF THE  
ATTACHED IS ENCLOSED LETTER HAVE BEEN MAILED TO THE  
BELOW LISTED PERSON(S) BY FIRST CLASS MAIL, POSTED PAID  
ON OCTOBER 22, 2017, IN COMPLIANCE WITH P.A. RULES OF  
CIVIL PROCEDURE, RULE 403,



AFFIDAVIT

I, Hector Vargas Torres, SO HEREBY AVER THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF,

I UNDERSTAND THE PENALTIES UNDER TITLE 18 § 4904 RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES APPLIES,

PROOF OF SERVICE

I, Hector Vargas Torres, HEREBY VERIFY THAT I AM THIS DAY SERVING THE FOREGOING DOCUMENT(S) "CIVIL COMPLAINT" IN MANNER LISTED BELOW WHICH SERVICE SATISFIES THE REQUIREMENTS OF R.A.P. 121. THIS SERVICE ALSO SATISFIES THE REQUIREMENTS OF THE PRISONER'S MAIL BOX ACT: (COM V. JONES, 700 A.2d 423; HOUSTON V. LACK 108 S. CT. 2379);

SERVICE BY FIRST CLASS MAIL

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA  
235 N. WASHINGTON AVE  
SCRANTON, PA. 18501-1148

DATED: OCTOBER, 22, 2017

PR-56

HECTOR VARGAS TORRES  
#JT-1711  
SCF-HUNTINGDON  
11001KE ST  
HUNTINGDON, PA. 16654

TO WHO IT MAY CONCERN ①

10-22-17

I AM FILING THIS CIVIL COMPLAINT IN YOUR COURT HOUSE WITH ATTACH EXHIBITS AND A TRIO AS WELL. I NEED THIS ON A NEW DOCKET SHEET MARK AS COMPLAINT DOCKET (A) ((TRIO)) OF RESTRAINING ORDER AS DOCKET (B) AFFIDAVIT AS DOCKET (C) ALL MY EXHIBITS FROM (A-C) AS DOCKET (D) AFFIDAVIT OF PLAINTIFF AS DOCKET (E) EXHIBIT (E) AS DOCKET (F) OF MEMORANDUM OF LAW AND AFFIDAVIT OF SUPPORT OF TRUTH AS DOCKET (G) PLEASE.

THANK YOU

P.S. I HOPE TO HEAR FROM YOU PEOPLE SOON WITH A NEED DOCKET SHEET OF THIS CIVIL CASE ACTION WITH A DOCKET NOT PLEASE, THANK YOU

## CIVIL COVER SHEET

THIS IS - 44 CIVIL COVER SHEET AND THE INFORMATION CONTAINED HEREIN NEITHER REPLACE NOR SUPPLEMENT THE FILING AND SERVICE OF PLEADING OR OTHER PAPERS REQUIRED BY LAW, EXCEPT AS PROVIDED BY LOCAL RULES OF COURT. THIS FORM APPROVED BY THE JUDICIAL CONFERENCE OF THE UNITED STATES IN SEPTEMBER 1974 IS REQUIRED FOR THE USE OF THE CLERK OF COURT FOR THE PURPOSE OF - INITIATING THE CIVIL DOCKET SHEET.

1) HECTOR VARGAS TORRES 1100 PIKE ST HUNTINGDON, PA. 16654-1112 SELF DOCKET NO# PRO-SE :	2) CAPT. B. HARRIS, LT. WENDEE LT. R. CISCHKO, C/O. K. MYERS, C/O. B.A. OWMS, C/O. MCCALLISTER, INDIVIDUAL CAPACITY 1100 PIKE ST HUNTINGDON, PA. 16654-1112 ATTORNEY NAME: NONE
--	--

3) <input checked="" type="checkbox"/> U.S. GOVERNMENT PLAINTIFF	4) CITIZENSHIP OF PRINCIPAL PARTIES <input checked="" type="checkbox"/> CITIZEN OF THIS STATE PLAINTIFF FILED SCRANTON OCT 30 2017
--	--

## 5) NATURE OF SUIT

PRISONER PETITIONS

NONE CATALOGY  
LISTED☒ 550 CIVIL RIGHTS

## 6) ORIGIN

☒ ORIGINAL PROCEEDING

## 7) CAUSE OF ACTION

42 U.S.C § 1983

CIVIL COMPLAINT ON ASSAULT ON PRISONER

## 8) REQUESTED IN COMPLAINT

DEMAND \$340,000

JURY DEMAND: ☒ YES

## 9) RELATED CASE(S)

IF ANY

JUDGE: MATTHEW W. BRAUN DOCKET NO#: 476-CV-0044

DATE

SIGNATURES OF ATTORNEY OF RECORD SELF PRO-SE

FOR OFFICE USE ONLY

RECEIPT# \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_  
 \_\_\_\_\_ MAG JUDGE! \_\_\_\_\_

URGENT FORCES # J  
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DOW, P.A. 16654-1112

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PER

DEPT OF JUSTICE

LEGAL MAIL

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